

P A P E R S

RELATING TO

THE RIOT AT CANTON

IN JULY 1846,

AND

To the Proceedings taken against Mr. Compton, a British
Subject, for his participation in that Riot.

Presented to the House of Commons by Command of Her Majes' .
1847.

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Papers relating to the Riot at Canton in July 1846, and
to the proceedings taken against Mr. Compton, a
British Subject, for his participation in that Riot.

No. 1.

Mr. Johnston to Mr. Addington.—(Received September 23.)

Sir, *Victoria, Hong Kong, July 24, 1846.*

THE recent disturbance at Canton, in connection with the departure of the mail to England to-morrow morning, seems to render it important that the Earl of Aberdeen should be furnished with all the official information that has been received at this office relative to the serious riot of the 8th instant; and I have therefore the honour to inclose you copies of despatches with their respective inclosures, from Mr. Consul Macgregor to the address of Her Majesty's Plenipotentiary and Chief Superintendent of Trade.

In the absence of any instructions to this effect, I hope that this step will meet with the Earl of Aberdeen's approval.

I have, &c.
(Signed) A. R. JOHNSTON.

Inclosure 1 in No. 1.

Consul Macgregor to Sir John Davis.

Sir, *Canton, July 9, 1846, at 7 P.M.*

LAST evening, at a quarter before 7, I received a note from Mr. Compton, a British merchant of this place, informing me that he had been struck by a Chinaman, had returned the blow, secured the man, and carried him in custody to Minqua's hong, in front of which a large crowd was collecting. Whilst I took measures for informing the authorities of what was going on, and calling on them for immediate assistance to repel the threatened attack, Mr. Jackson went to the factories, and exerted himself to repress the disposition of our countrymen to attack the mob. This he succeeded in doing, until the arrival of local military officers with troops. In the meantime he reported to me the progress of the affair and the probability of its becoming serious. I then repaired myself to the factories, and finding on the arrival of the local military that they were either unable or unwilling to repel the mob, who were now increasing, and had begun to demolish the wing of Minqua's hong inhabited by British merchants, I was compelled to yield to the importunities of my countrymen and to accompany them to the scene of the riot, in order to disperse the rioters; on condition, however, that they would not fire upon the crowd. The prisoner in the meantime had been allowed to escape.

On seeing us advance towards them, they showered a volley of stones at us, and retreated, followed for some distance, as I afterwards learned, by several with muskets and other fire-arms. These were at length provoked to fire on the crowd, by which I lament to state three Chinamen were killed. I was not present when this occurred, nor was I cognizant

of it till some time after. Another party of foreigners who had remained outside the gate at the top of Old China-street, being pelted furiously by the rabble collected there, were also induced to fire on them, by which some were wounded, two of whom were left on the street, and afterwards conveyed to the hospital in Hog-lane. A Parsee in the house of D. and M. Rustonjee and Co., had his leg broken by a stone, and a German is, I understand, hurt, though not seriously, by another.

The foreign community formed themselves into watches for the night, and were stationed at the several gates of the factories, and the avenues leading to them, the Chinese military officers disposing of their force in the manner they thought most advantageous. The rest of the night passed without further disturbance.

Early this morning I received assurances from the authorities that they would use every endeavour to prevent further mischief, and they entreated me to urge upon my countrymen to keep quiet within their factories. Several ships' boats having arrived with men from Whampoa, it was soon found necessary to prevent them from obtaining spirituous liquors. I accordingly issued a circular to our merchants, calling on them to keep the crews of such vessels as were consigned to them, within their respective factories, and again exhorting them not to commit any acts of aggression, but to use all proper means for the protection of their lives and properties.

Captain Steen Bille has ordered fifty of his crew to come up from Whampoa to assist in repelling any further attack. It is difficult to conjecture at the present time what may take place. The rabble are much incensed by the death of their companions, and the shopkeepers of China-street are removing their goods, which people of experience here look upon as an indication of further violence. But it is to be hoped that the misguided mob will become cognizant of the preparations making for resistance and defence, and will be deterred by the certainty of serious personal loss from resuming offensive measures.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 2 in No. 1.

Consul Macgregor to Sir John Davis.

Sir,

Canton, July 10, 1846.

THE steamer "Corsair" having advertised to leave to-morrow morning early, I avail myself of the opportunity of stating that nothing further has transpired at the factories to disturb the peace of the foreign community. Every precaution is observed by them and the Chinese military, to prevent a recurrence of disorder, by keeping the rabble at a distance.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 3 in No. 1.

Consul Macgregor to Sir John Davis.

Sir,

Canton, July 13, 1846.

IN reference to the late disastrous riot at this place, I have great satisfaction in reporting that since my last despatch on the subject, perfect quiet has prevailed in the quarter of the factories. Early in the day after the disturbance, a body of armed men from the Danish frigate, and several armed boats' crews from the merchant-vessels, came up and were quartered in the factories by their respective consignees. The following morning, however, they all returned to Whampoa, and nothing more has since been deemed necessary than to post a few sentries from among the foreign residents themselves, in order to prevent the possibility

of a surprise. A strong and apparently sufficient force of Chinese and Tartar soldiers is stationed at the top of China-street, with outposts at the principal avenues, and to all appearance no danger exists of any further outbreak for the present.

The inclosed correspondence with the high authorities will show your Excellency the nature of the difficulties now to be contended with, and will supply details it was impossible to furnish in my first report.

A proclamation has been issued by the Governor for the purpose of allaying the excitement of the rabble. As soon as obtained, I will forward it for your Excellency's information.

It is rumoured that meetings are being held within the city by the literati and gentry, but the tenor of their deliberations has not yet transpired. Business in the shops has resumed its usual course, and there is nothing to be noted in the demeanour of the populace indicative of a more angry feeling than usual.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 4 in No. 1.

Commissioner Ke and the Governor of Kwangtung to Consul Macgregor

A Communication.

(Translation.)

KE, a member of the Imperial Family, Imperial Commissioner, Guardian of the Crown Prince, assistant Minister, a President of the Board of War, and Governor-General of the Two Kwang; and Hwang, a Vice-President of the Board of War, and Governor of Kwangtung, hereby make a communication.

Yesterday evening the District Magistrate of Nanhæ reported to us that an Englishman named Compton had got drunk and created a disturbance with the people; and we also received your note stating that "a disturbance had taken place at the factories," &c. On this we issued a proclamation, and at the same time sent orders with the utmost speed to Lew, the Prefect of Kwangchow, and to the Colonel Commandant, Yee, to proceed to the place with soldiers. Further, the Provincial Judge, Yen, and the Grain Collector, Chaou, hastened there with all speed in order to suppress the tumult; but three of the people had already been killed, and a number of them wounded by the fire-arms of the English, and it was only after the officers and soldiers had exerted themselves to the utmost that the people began to disperse.

We have again given orders to the civil and military officers to take soldiers and protect the thirteen factories and that neighbourhood. But we find on examination that it is reported the Englishman Compton had previously to this got drunk and created a disturbance; why is it, therefore, that you have failed to restrain him, so that he has again, influenced by liquor, acted in a disorderly manner, and been the occasion of a serious case, and [why have you] permitted the English to discharge fire-arms at their pleasure, so as to kill three of the people and wound many of them.

A perpetual peace having been established between our two countries, both parties must restrain their merchants and people, not allowing them to create disturbances. Then will it be possible for us to give mutual protection, and for all to enjoy profit and advantage. But the present violent conduct on the part of the English is certainly not the way to perpetual mutual tranquillity.

It is therefore our bounden duty to write to you on the subject. As soon as this communication reaches you, ascertain with all speed what it was that gave rise to the fighting, and who the various murderers are that made use of fire-arms so as to wound the Chinese people, and give us a reply on the subject, and also take earnest and sincere measures for the prosecution and punishment [of the guilty] in accordance with the

treaties, in order to manifest justice and good faith, and dispel hatred and dislike. This case involves the loss of many lives besides the wounding of many persons; hence if ideas of partial protection be in the slightest degree entertained, it follows that people's minds will rebel, anger will accumulate in a still deeper degree, and it is to be apprehended that it may produce something not anticipated, and which occurring suddenly it will not be possible to guard against. You, who have hitherto been intelligent in business and in right principles must devise mature measures for the satisfactory settlement of this affair. A necessary communication.

For the British Consul, Macgregor.
July 9, 1846.

Inclosure 5 in No. 1.

Consul Macgregor to the Governor of Kwangtung.

Canton, July 13, 1846.

I WAS addressing your Excellency a complaint on the dilatoriness evinced by the local authorities in dispersing the rioters assembled between Minqua's hong and the foreign factories in the afternoon of the 8th instant, when I received your Excellency's communication of the 9th on the subject of the events which have taken place in consequence thereof.

On submitting to your Excellency the following details of what I have myself witnessed, and what has been communicated to me by other parties, I must premise that the disturbances which happened last Wednesday are mainly to be attributed to the crowded state of the streets on both flanks of the foreign factories, where, contrary to the stipulations of Sect. 4 of the Regulations of the 12th July, 1844, a multitude of idlers of the lower classes of Chinese are constantly attracted by the presence of quacks, fortune-tellers, barbers, beggars, and showmen, notwithstanding that repeated applications were made to the local authorities to remove these nuisances. It was in one of these streets, on the west side of the thirteen factories, that the late disturbances took their origin.

On Wednesday evening, between 6 and 7 o'clock, I received a message from the British merchant Compton, by which he informed me that in passing the streets leading to Minqua's hong he was struck by a Chinaman, whose blow he returned, and was then violently pelted with stones by the crowd; that he succeeded however in securing and conveying the offender in custody to Minqua's hong, before which a large crowd of the lowest class of people was collecting with every indication of being intent upon mischief. I beg to observe that when this happened Mr. Compton was far from being in a state of inebriety, as has been erroneously reported to your Excellency, although he would naturally have shown some excitement at the indignity offered to him. His statement was corroborated by several persons who successively arrived at the Consulate to claim assistance for dispersing the rioters, whose principal attack was directed upon Minqua's hong (the residence of several British merchants), notwithstanding that the prisoner had been allowed to escape very soon after his capture.

After having given notice of the disturbance to the local authorities, and claimed their protection for the foreign factories, I repaired to the spot in person.

I found all the foreign residents (who were provided with arms for their defence) in a state of considerable excitement, and the mob actively employed in throwing large stones over the walls of the factories, and in demolishing Minqua's hong on the opposite side of the street.

For upwards of half an hour I was stationed near the western gate, within the factories, but no preparations for checking the progress of the rioters being apparent, foreigners grew more and more impatient at

the delay of the military force, whose speedy arrival had been repeatedly announced to them.

The lanterns of the Assistant Magistrate of Nanhæ, followed by police-runners, were now seen moving towards the scene of the riot, but it was not long before that officer was obliged to return, leaving the mob to continue their work of destruction without interruption. Already they had succeeded in destroying the iron bars of one of the lower windows, and in battering in the wall in another part of the building, into which combustibles were thrown, evidently with the intention of setting it on fire.

It was near 9 o'clock, P.M.; the disturbance had been going on fully two hours, and no military force to repel it was in sight. The winds, although light at that moment, blew from the southward. If the rioters were allowed to establish themselves in Minqua's hong without an effort being made to dislodge them before they had set fire to it, the thirteen factories were in imminent danger of being pillaged and burnt by the mob, an event that would have been attended with the destruction of a great deal of valuable property, and eventually with the loss of many lives.

Considering these circumstances, I held a consultation with Dr. Parker, the acting American Chargé d'Affaires, with whom I agreed in opinion that there was *periculum in demora*, and that it was the common interest of all, Chinese as well as foreign, to drive the thieves from their lodgment and keep the place clear until a sufficient Chinese military force should arrive. A number of persons consisting of English, Americans, and other foreigners having volunteered for the service, Dr. Parker and myself offered to accompany them to the spot, with the understanding that no fire-arms should be used, unless in a case of emergency and by command.

Accordingly we went out of the gate, directing our steps towards Minqua's factory. On seeing us advance upon them, the thieves who had gathered there assailed us with a volley of stones, and then precipitately retreating, were pursued for some distance, as I afterwards learned, by several of our party with muskets and other fire-arms. These were at length compelled to fire on the rioters, in which affray I lament to state several of the latter were killed. I was not present when this occurred, nor was I cognizant of it till some time after. Another party of foreigners who had remained outside the gate at the top of Old China-street, being pelted furiously by the rabble collected there, were also constrained to fire on them, by which some were wounded, two of whom were left in the street and afterwards conveyed to the hospital in Hog-lane.

On the side of the foreigners a Parsee had his leg broken by a stone, and a German, I understand, is hurt in the head, not to mention several contusions received by others from the effects of missiles, but of minor importance.

At about 10 o'clock, or half an hour after the affray was over, the Prefect arrived with a band of soldiers. The gates at the avenues of the adjacent streets were closed and guarded, and nothing further occurred during the night to disturb the public peace.

From the foregoing statement of facts, your Excellency will perceive how utterly impossible it is to deal with this matter in the way you propose, and that they are not cases of murder that are now treated of, but justifiable homicide incurred by rioters illegally assembled and in the act of forcing into, and destroying the dwelling of peaceable individuals for purposes of plunder. There was no intention whatever on the part of the foreigners to take life; they fired at random in the dark streets, and each of them is consequently ignorant whether or not his ball took effect. Thus it is impossible for me to indicate the individuals who were the immediate instruments of the several deaths which unfortunately occurred. But I shall at the same time be ready, so far as I am able, to afford your Excellency any other additional information in elucidation of this untoward event, which you may point out to me.

In reference to the concluding part of your Excellency's letter, I find myself called upon to remark that, on the part of the British residents and foreigners generally, a strong desire prevails to improve our relations and cultivate a friendly feeling with your countrymen, but it is obvious to

everybody that a like disposition is not fostered in the minds at least of the common people at Canton, whose insolence towards foreigners is almost proverbial, evincing an exclusiveness and want of hospitality unparalleled in any other civilized country.

I would therefore respectfully and earnestly submit that the common people should be cautioned not on every slight occasion to endanger the lives of foreigners by assailing them with stones and other missiles, the latter being far from disposed quietly to endure such indignities. In the present instance it will be manifest to the good sense of the respectable portion of the Canton population, that they ought not to identify themselves with, or demand reparation for the casual death of a few common thieves and vagabonds, whose lives would have been forfeited to the laws of China if the offenders had been captured in the very act. Should any one who suffered belong to a better class than those described, it must be sincerely lamented by every man of right feeling, who cannot however but be sensible that, whosoever from idle curiosity or any other cause gives countenance to a mob of rioters by swelling their numbers, must necessarily involve himself in the same danger and consequences to which all were indiscriminately exposed.

(Signed)

FRANCIS C. MACGREGOR.

Inclosure 6 in No. 1.

Consul Macgregor to Sir John Davis.

Sir,

Canton, July 15, 1846.

I HAVE now the honour to inclose copies and translations of the proclamations referred to in my despatch of July 13, from which it will be seen that some difficulty is likely to attend the settlement of this unfortunate affair, as regards the death of those who fell in the affray with foreigners. My correspondence with the authorities, inclosed in my above-mentioned despatch, contains all particulars that have yet transpired on the subject. I have not yet received any answer to my letter to Governor Hwang, nor have I anything further to report for the present.

I have, &c.

(Signed)

FRANCIS C. MACGREGOR.

Inclosure 7 in No. 1.

Proclamation of Hwang, Governor of Kwangtung.

(Translation.)

I HAVE this moment heard that the inhabitants of the neighbourhood of the thirteen factories have had a quarrel with the foreigners on account of some altercation,

It will be my duty to take measures in strict adherence to justice for ascertaining who is wrong and who is right; and if the foreigners should really be in the wrong, certainly no course of action will be followed requiring a submission to oppression on the part of the natives. Do not therefore collect together and create disturbances so as to bring on yourselves a legal apprehension and prosecution. Yield a reverential obedience. A special proclamation.

July 8, 1846.

Inclosure 8 in No. 1.

Proclamation of the district Magistrate of Nanhac.

(Translation.)

She, the acting district Magistrate of Nanhac, confirmed as Prefect of the inferior department Lo-ting, raised ten steps, recorded ten times, and bearing by Imperial authority the title of Sub-Prefect, hereby issues a most earnest proclamation.

WHEREAS on the 8th instant the English had a quarrel with the people on account of some trifling altercation, and making a precipitate use of guns, killed three of the people and wounded six of them:—In this the English were assuredly in the wrong.

As besides the riot, the occurrence of such an event as that of unlawfully disposed persons embracing the opportunity to plunder the inhabitants and shopkeepers was to be apprehended, I together with the military authorities led soldiers and police to the spot to suppress the tumult and protect the neighbourhood. I, further, inspected the dead and wounded, and made a formal report based on the facts to the high authorities, and these have written to the British Consul, ordering him to ascertain who the murderers were, and take rigorous measures for their punishment, in accordance with the treaties.

The mandarins are to the people as parents to children, and will most certainly not fail to redress their grievances when they thus untimeously meet with cruel injuries. But I fear that ye people may avail yourselves of this affair to make a noise about retaliation and again collecting a mob create disturbances, until your cause from being right comes to be classed with those that are wrong. Moreover as soon as a crowd is collected it is difficult to ensure that there will be no thieves mixed up in it who will embrace the opportunity to commit robberies, thus bringing ruin on the shopkeepers and inhabitants. It is difficult to distinguish between the good and the bad among you, and if they are apprehended and punished together, though there is nothing worthy of commiseration in the fate of thieves who falsely pretend a just indignation in order to forward their private schemes and to whom punishment is due, yet it is impossible not to feel pity for the orderly and good among you who being suddenly excited to anger join their voices to accompany the others, but then being involved in error by the thieves meet the same punishment with them. It is therefore my bounden duty to issue a most earnest proclamation on this subject.

For this reason a proclamation is now addressed to people of all classes at the said place and its neighbourhood for their full information. It will be proper to wait for the examination into and settlement of this affair by the high authorities. Let each of you therefore remain quietly at his own business. Do not avail yourselves of this matter to make a noise about retaliation and give rise to other disturbances, thereby bringing heavy calamities on yourselves. My idea is to quiet the place and protect your persons and houses, hence I do not regret cautioning you repeatedly. Let all look up to and have consideration for my motives. Yield a reverential obedience. Make no opposition. A special proclamation.

Issued on 11th July, 1846.

Inclosure 9 in No. 1.

Consul Macgregor to Sir John Davis.

Sir,

Canton, July 16, 1846.

I HAVE the honour to forward to your Excellency copy of a letter addressed to me by the British community in consequence of a resolution adopted at a meeting held by them, of which I also inclose copy of the minutes. In these documents they express their conviction of the neces-

sity for the permanence of a British vessel of war in the river opposite the factories.

A copy of my reply to this letter is also inclosed, and as therein stated I now beg to lay the whole before your Excellency for transmission to Her Majesty's Government, with such recommendation or remarks as you may deem advisable to add thereto.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 10 in No. 1.

The British Residents at Canton to Consul Macgregor.

Sir,

Canton, July 10, 1846.

THE disturbances of the evening of the 8th instant, of which you were in part a spectator, it is unnecessary to relate.

You are aware that for more than two hours a part of the foreign factories was besieged by a furious mob, who succeeded in battering in the walls of Mr. Church's house, into which combustibles were thrown, evidently with the intention of setting it on fire.

In defence of our lives and property it became necessary to have recourse to fire-arms, and many Chinese were killed and wounded. But for these vigorous measures it is highly probable that our factories would have been pillaged and burnt; for during all these melancholy events the Chinese officers either neglected to appear, or if they came at all, it was with so contemptible a force as to be instantly driven back by the populace. Information of the tumult was conveyed to you before 7 o'clock, and we are aware that an immediate communication was addressed by you to the Chinese Government, but it was not till nearly 10 o'clock that an efficient force arrived. We doubt not that the culpable dilatoriness of the Chinese authorities would be complained of by you without any suggestion from us, but as we think more decided measures than any which it can be hoped that they will take are imperatively necessary for our protection, it is to our own Government we must appeal for such, and we therefore respectfully but most earnestly intreat you to recommend that one of Her Majesty's ships of war should be permanently stationed off the foreign factories, so as to afford us that instant protection which otherwise we must look for in vain. This safeguard is extended to Her Majesty's subjects resident at the other ports opened by Treaty, for at Shanghai, Ningpo, and Amoy, vessels of war lie close to the respective Consulates, and at Foochow as near as the river will admit. The trade of Canton exceeding in extent that of all the other ports united, should not, we submit, receive less protection; and no aid can arrive from Hong Kong, or even Whampoa, in time to meet dangers such as those we have just experienced.

We are quite aware, Sir, that in ordinary circumstances, foreigners look to the Government of the country in which they reside for protection; but we take leave to remind you that by the Treaty of Peace concluded by Sir Henry Pottinger it is enjoined that the British Government shall keep at each of the ports a vessel of war. We have further to observe that it is declared in the proclamation of his Excellency Sir J. F. Davis, dated 18th May last, that the population of Canton is not sufficiently under the control of the local Government to admit of Her Majesty's subjects availing themselves of the right of entry to the city of Canton, conceded to them under the Emperor's own hand.

Under these circumstances, and until the Chinese Government can control their own people and protect us, we have ventured to suggest a measure of which we urgently solicit your recommendation, and which appears to us the only one which will be effectual to prevent the recurrence of scenes so painful to our feelings, so prejudicial to our interests, and so foreign to our habits and pursuits.

We have, &c.

[Here follow the signatures of sixty-two individuals.]

Inclosure 11 in No. 1.

Minutes of Proceedings at a Public Meeting of British Subjects held at the house of Messrs. Dent and Co., in Canton, on the 13th July, 1846.

Archibald Campbell, Esq., *Chairman.*

The minutes of the last meeting held on Saturday the 11th instant, were read.

The letter addressed to F. C. Macgregor, Esq., Her Britannic Majesty's Consul, was read.

Resolutions.

1st. Proposed by A. Wilkinson, Esq., and seconded by W. W. Dale, Esq.

That it is the opinion of this meeting, that it is absolutely necessary for the protection of life and property, that one of Her Majesty's ships be permanently stationed off the factories, and that the letter now read praying Her Majesty's Consul to recommend the stationing such a vessel be adopted.—Passed.

2nd. Proposed by W. W. Dale, Esq., seconded by T. D. Neave, Esq.

That copies of the letter alluded to in the preceding resolution be sent to the East India and China Associations, and Chambers of Commerce of London, Liverpool, Manchester, and Glasgow, and that they be requested to support the prayer thereof.

Amendment proposed by D. Jardine, Esq., seconded by J. G. Livingstone, Esq.

That the second resolution be withdrawn until the views of the local authorities on the subject be ascertained.—Passed.

The report of the committee appointed at the last general meeting was then read and discussed.

3rd. Resolution proposed by J. S. Anderson, Esq., seconded by J. G. Livingstone, Esq.

That the report of the committee as now read be adopted.—Passed.

4th. Resolution proposed by W. Watson, Esq., seconded by C. S. Compton, Esq.

That the paper containing the resolutions just passed be circulated amongst the foreign community, so that any other foreigners who are not British subjects may enrol themselves if they please.—Passed.

The thanks of the meeting having been tendered to Mr. Campbell for his services in the chair, the meeting dissolved.

(Signed) A. CAMPBELL,
Chairman.

Inclosure 12 in No. 1.

Consul Macgregor to Messrs. Campbell, Jardine, Compton, and others.

Gentlemen,

British Consulate, Canton, July 15, 1846.

I HAVE received your letter of the 10th instant, inclosing a copy of minutes of proceedings at a meeting held at Messrs. Dent and Co.'s, on the 13th, and having attentively perused the whole, beg now to inform you that in compliance with your request I shall immediately lay the

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subject before Her Majesty's Plenipotentiary and Superintendent of Trade, by whom it will be submitted to Her Majesty's Government for their determination.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 13 in No. 1.

Consul Macgregor to Sir John Davis.

Sir,

Canton, July 16, 1846.

I HAVE the honour to inclose a copy and translation of another proclamation issued by the Magistrate of the District of Nanhæ, relative to the disturbance of the 8th, in which he calls on the shopkeepers in the vicinity of the factories, in consequence of an attempt to force and plunder a shroff, or banking establishment, to organize a guard among themselves, for the protection of their lives and properties against the rabble.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 14 in No. 1.

Proclamation of the District Magistrate of Nanhæ.

(Translation.)

She, the acting District Magistrate of Nanhæ, confirmed as Prefect of the inferior department, Lo-ting, raised ten steps, recorded ten times, and bearing by Imperial authority the title of Sub-Prefect, hereby issues a proclamation.

WHEREAS with reference to the case of the English having had a quarrel with the people on account of some affair, and having made use of fire-arms, so as to kill three of the people, and wound six of them, it is proper to wait until the high authorities have ordered the Consul of the said country to take rigorous measures in accordance with the Treaties. But I learn that certain lovers of mischief are availing themselves of this matter to make a noise about retaliation, and are again collecting a mob and making a disturbance, a proceeding which is highly improper. Moreover, as soon as a crowd is collected, thieves may mix themselves up in it and embrace the opportunity to commit robberies, thus bringing ruin on the shopkeepers and inhabitants, just as on the evening of the 8th; besides the riot, certain thieves sought to plunder the Tung-mow Bank, when, if our civil and military authorities had not speedily brought troops and police, putting them down and driving them off, it is impossible to say what the injurious consequences would have been. It is therefore extremely proper that a proclamation be issued on the subject.

For this reason I now issue a proclamation to the shopkeepers in question for their full information. You who all occupy yourselves in seeking a livelihood in a correct manner, have doubtless got both a knowledge of affairs and good sense and ought not to be unsettled by idle speeches. Let each of you appoint one or two able-bodied individuals to keep guard night and day, in combination, and give immediate assistance to the soldiers and police in apprehending any thieves who may make disturbances, with the view that all may protect their lives and properties and escape ruinous calamities. This is most urgent. A special proclamation.

July 12, 1846.

Mr. Johnston to Mr. Addington.—(Received September 23.)

Sir,

Victoria, Hong Kong, July 25, 1846.

DESPATCHES from Mr. Consul Macgregor to the address of his Excellency Her Majesty's Plenipotentiary and Chief Superintendent of Trade were yesterday afternoon received after my despatch to your address was closed, and I have now the honour to forward copies of them with their respective inclosures for the information of the Earl of Aberdeen.

I have, &c.

(Signed) A. R. JOHNSTON.

Inclosure 1 in No. 2.

Consul Macgregor to Sir John Davis.

Sir,

Canton, July 23, 1846.

I BEG to forward to your Excellency for transmission to the Earl of Aberdeen, a memorial, with inclosures, signed by the merchants and other British subjects in this place, praying that one of Her Majesty's ships be permanently stationed at Canton, on the ground of the indifference or inability of the Chinese Government to grant them speedy and effectual protection in case of sudden attacks by the rabble.

This memorial was inclosed in a letter to me from the chairman of a committee of the merchants and others, in which he requests me to transmit it to his Lordship by the mail to leave Hong Kong on the 25th instant. My instructions, however, requiring me to communicate with Her Majesty's Government through your Excellency, I do not feel myself at liberty to depart from them in the present instance.

I have, &c.

(Signed) FRANCIS C. MACGREGOR.

Inclosure 2 in No. 2.

Memorial to the Earl of Aberdeen.

My Lord,

Canton, July 22, 1846.

WE, the Undersigned British subjects, have the honour of laying before your Lordship certain documents connected with our position as residents at Canton, and especially we respectfully beg your Lordship's attention to a letter addressed to Her Majesty's Consul at this place, soliciting his recommendation of there being permanently stationed here one of Her Majesty's ships of war.

Your Lordship will no doubt receive official accounts of the lamentable affray of the 8th instant. The safety of the foreign community was on that occasion purchased by the sacrifice of the lives of several of their assailants. We intreat your Lordship to believe that it is hopeless to look to the Chinese Government for protection; it is always promised, but has never been afforded within reasonable time. The weakness of the Local Government is confessed in the correspondence with his Excellency Her Majesty's Plenipotentiary on the subject of the right of entry into the city of Canton; it is confirmed by their conduct on this occasion, when three hours elapsed before a force arrived sufficient to quell a street riot; and if further evidence be needed to establish the fact, we may point out to your Lordship the frequent occurrence of piratical attacks, both in the outer waters and in the river. It has doubtless also been officially reported to your Lordship that Her Majesty's Vice-Consul was personally maltreated when proceeding in company with Chinese officials to point out the place where previously insult had been offered to him, and the Consular Agent at Whampoa was similarly treated when similarly accompanied.

We respectfully submit to your Lordship that the Chinese Local Government cannot control their own people or protect us, and we pray your Lordship to afford us that efficient aid which we have humbly taken leave to indicate.

We have, &c.

(Signed)	(Signed)
Jardine, Matheson, & Co.	J. Buxton.
Dent & Co.	Chalmers & Co.
Cha. S. Compton & Co.	James D. Park.
Ripley, Smith, & Co.	Lunds, Turner, Church, & Co.
Bell & Co.	Henderson, Watson, & Co.
Francis B. Bisley.	Murrow & Co.
Fischer & Co.	Benjamin Seare, & Co.
Nusservanjee Byramjee Fackeerajee	Hughesdon & Co.
Machan, Dearie, & Co.	Banstead & Co.
R. H. Camyre & Co.	G. E. Pattullo.
D. N. Mody & Co.	Arthur Agassiz.
Eduljee Framjee Sons, & Co.	Henry Moul & Co.
Kennedy, Macgregor, & Co.	Pestonjee Framjee, Cama, & Co.
Gilman & Co.	B. Kenny.
Rathbones, Worthington, & Co.	Ammercodeen & Shaik Davood.
Dallas & Co.,	P. & D. Nesserwanjee Camajee.
For Jamieson, How, & Co.	Geo. Barnet.
Richard Rothwell.	For Holliday, Wise, & Co.
Per Maureau & Co.	Jno. Shapard.
Jno. D. Neave.	Blenkin, Rawson, & Co.
Dirom, Gray, & Co.	per H. Balkwell.
Geo. Lyall.	For Turner & Co.
S. Marjoribanks.	Edwd. N. Levin.
Gibb, Livingston, & Co.	Hegan & Co.
Cowasjee Sapoорjee Lungrana.	per Samuel Hill.
Hastings & Co.	

1.—*Consul Macgregor to Sir John Davis.*

[See Inclosure 10 in No. 1.]

2.—*Consul Macgregor to Sir John Davis.*

[See Inclosure 12 in No. 1.]

3.—*Mr. Campbell to Captain Talbot of the "Vestal."*

Sir,

Canton, July 14, 1846.

AS chairman of a committee at a public meeting of British subjects held in Canton on the 13th instant, in consequence of the recent disturbances, I am directed by the committee to hand you copy of a resolution passed at that meeting, and to express the opinion of the committee, that the present situation of affairs is such as to render it highly expedient that immediate effect should be given to the wishes of the community.

I have, &c.

(Signed) A. CAMPBELL.

1st Resolution.—Proposed by A. Wilkinson, Esq., seconded by W. W. Dale, Esq.:—

That it is the opinion of this meeting that it is absolutely necessary for the protection of life and property that one of Her Majesty's ships of war be permanently stationed off the factories, and that the letter now read, praying Her Majesty's Consul to recommend the stationing such a vessel be adopted.—Passed.

4.—*Captain Talbot to Mr. Campbell.*

Sir, "Vestal," *Blenheim Reach, July 14, 1846.*

I DO myself the honour to acknowledge the receipt of your letter of this day's date, inclosing the copy of a resolution passed at a meeting lately held by British subjects in Canton, in consequence of the recent disturbances.

I have to request you will assure the gentlemen of my entire concurrence in the opinion therein expressed, and that I shall cordially advocate its adoption.

I am, &c.
(Signed) CHARLES TALBOT,
Captain and Senior Officer in China.

Inclosure 3 in No. 2.

Consul Macgregor to Sir John Davis.

Sir, *Canton, July 23, 1846.*

I HAVE the honour to transmit to your Excellency the copy of a letter I addressed to Commander Clifford, of Her Majesty's ship "Wolverine," on the receipt of his letter to me announcing his arrival at Whampoa.

Besides my reasons as therein stated for not desiring a vessel of war to anchor near the factories, I may add that such a circumstance would afford the local authorities reasonable ground of argument for withholding the assistance they are bound by treaty to afford in case of need, and which indeed they have never denied, though it must be confessed it has been given with their characteristic tardiness.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 4 in No. 2.

Consul Macgregor to Commander Clifford of the "Wolverine."

Sir, *Canton, July 21, 1846.*

I HAVE the honour to acknowledge receipt of your letter of yesterday's date, announcing the arrival of Her Majesty's ship under your command at the anchorage at Whampoa, and that your instructions from Captain Talbot were, on acquainting me with your arrival and that you were further instructed to anchor in Macao reach in the immediate neighbourhood of the factories, to be guided in that as well as in the nature of the protection to be afforded by Her Majesty's ship under your command, by my requisitions and representations.

I have accordingly the honour to state that having in mind the instructions of Her Majesty's Government as the basis of my conduct on the present occasion, and judging from the tranquillity that prevails, and the total absence of any popular manifestation of disorder, by which an outbreak of the rabble might be anticipated, it is my opinion that the intentions of the Government at home would best be served and the safety of this community best consulted, by the "Wolverine's" remaining for the present at Whampoa. Her appearance at this crisis in front of or near the factories, might have the effect it is desirable to avoid, of exciting apprehensions of violence on our part; whereas the efforts of the authorities, aided by those of the foreign community itself, would I presume fully suffice to repel any sudden attack of the unarmed mob, until assistance could be forwarded by yourself, of which I would not fail to give you timely advice.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

No. 3.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, October 3, 1846.

I HAVE had under my consideration the account of the late riot at Canton, which is contained in Mr. Consul Macgregor's despatches, of which copies were transmitted to me by Mr. Johnston, in his letters of the 24th and 25th of July last.

I have to instruct you to state in writing to the authorities at Canton, that Her Majesty's Government regret that the people of Canton should by their lawless violence have compelled the British residents to use fire-arms in defence of their own properties and lives, and that in consequence thereof, several subjects of the Emperor of China should have been killed and wounded. But the Chinese authorities will act kindly by the people of the town if they earnestly impress upon them that the British residents are not to be attacked or insulted with impunity; and you will request the Chinese authorities to bear in mind that if they shall be unwilling or unable to keep order, the British subjects will defend themselves, and the greater the violence of the mob, the greater will be the loss of life which will be inflicted upon them.

The British Government, however, trust that the Chinese authorities will not again neglect, as they seem to have done on this occasion, the discharge of the duty which belongs to them of preserving the peace of the city; and that by a vigilant police and by an active repression of the beginnings of disorder, they will in future render it unnecessary for the British residents to take up arms in their own defence. You will also say that as it is essential, with a view to prevent future outrage, that an example should be made of those who were engaged in that which happened in July, the British Government request that the Canton authorities will make proper inquiries into the transaction, and punish according to law the most guilty of the rioters; you will further say that the British Government has ordered a ship of war to be stationed off the factories for the protection of British subjects and their property. But it is to be hoped that the Chinese authorities will take such effectual measures of prevention, as may in future render it unnecessary for any British force, either naval or military, to have recourse to acts of hostility against Canton, in order to prevent or to punish a violation of the Treaty of Nankin.

I am, &c.

(Signed) PALMERSTON.

No. 4.

Mr. Addington to the Secretary to the Admiralty.

Sir,

Foreign Office, October 3, 1846.

I AM directed by Viscount Palmerston to request that you will acquaint the Lords Commissioners of the Admiralty, that his Lordship's attention has been called to the inconvenience which has resulted on a late occasion from there being no ship of war stationed off Canton for the protection of the lives and property of Her Majesty's subjects resident at that port.

I am to state to you that Lord Palmerston perfectly agrees in the importance of carrying out fully Article X of the Supplementary Treaty with China, which has already been urged upon the consideration of the Board of Admiralty, in my letters of September 23rd, October 1st, and November 16th, 1844.

By that Article it is provided that "at each of the Five Ports to be opened to British merchants, one English cruizer will be stationed to enforce good order and discipline amongst the crews of merchant ship-

ping, and to support the necessary authority of the Consul over British subjects."

I am to request that in bringing this subject before the consideration of the Board of Admiralty, you will state to the Board that Lord Palmerston is strongly of opinion that British subjects residing at Canton should not in future be left without the protection which the presence of a British ship of war, thus stationed in the port of Canton, is calculated to afford.

I have, &c.
(Signed) H. U. ADDINGTON

No. 5.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, October 17, 1846.

IN my despatch of the 3rd instant I instructed you to call the particular attention of the Chinese authorities at Canton to the necessity of their taking measures, by establishing a vigilant police and by actively repressing the beginnings of disorder, to prevent the future occurrence of events of the same character as the late riots at Canton.

But while Her Majesty's Government are prepared to insist on the exercise by the Chinese authorities of such an effective controul over Chinese subjects, as may secure to British subjects the full enjoyment of the privileges to which they are entitled under the late treaty between Great Britain and China, it is at the same time their duty to see that British subjects do not exceed the limits which have been assigned to those privileges, nor by a wanton disregard of the feelings or prejudices of the Chinese, provoke a state of ill-feeling calculated to produce acts of violence and disorder.

I have accordingly to instruct you, if you should not have already done so before the receipt of this despatch, to cause an inquiry to be instituted at Canton into the circumstances out of which the late riots originated; and if the result of that inquiry should justify your taking such a step, you will follow it up by a public notification, cautioning Her Majesty's subjects in China as to the dangers to which they must necessarily expose themselves, by proceedings on their part calculated to wound the prejudices or to excite the animosity of the Chinese; and warning them at the same time, that should such proceedings on their part end in the commission of acts of violence by the Chinese, British subjects cannot expect that Her Majesty's Government should insist upon the Chinese Government making reparation for losses or injuries which a proper forbearance or consideration might have served to prevent.

I am, &c.
(Signed) PALMERSTON.

No. 6.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, October 24, 1846.

IN my despatch of the 3rd instant I stated to you that Her Majesty's Government had ordered a ship of war to be stationed off the factories at Canton for the protection of British subjects and their property. Had one of Her Majesty's vessels been so stationed during the late disturbances it seems very probable that those disturbances might never have taken place, or might have been put an end to at an earlier period.

It was stated in Lord Aberdeen's despatch to you of the 16th of November, 1845, that the first and most immediate occupation for the naval force in China was, that Her Majesty's subjects residing in that country might have the benefit which the presence of a British ship of war at each of the Five Ports was calculated to afford. Her Majesty's Govern-

ment are of opinion that the rule thus laid down should as far as possible be observed; and I have to desire that you will furnish me, by an early opportunity, with information as to the practice which has hitherto prevailed in this respect.

I am, &c.
(Signed) PALMERSTON.

No. 7.

Sir John Davis to the Earl of Aberdeen.—(Received October 26.)

My Lord,

Victoria, Hong Kong, August 7, 1846.

WITH reference to Mr. Johnston's communications, in my absence, to the address of Mr. Addington, forwarding copies of despatches from Her Majesty's Consul at Canton, I have the satisfaction to report that up to yesterday (nearly a month after the occurrence of the late riot) complete tranquillity has existed.

A note received by me at Chusan (immediately after completing the evacuation) from Major-General D'Aguilar, induced me to return with all speed to Hong Kong, which I reached in only five days on the 2nd instant.

I received inclosure No. 1 from Mr. Macgregor, forwarding a communication from Keying, in which the Chinese Minister takes a view of the late transactions hardly warranted by facts, inasmuch as he represents the foreigners as unnecessarily aggressive, while in truth their prompt and united energy alone saved the factories from sack and pillage.

Mr. Macgregor in his reply makes a fair statement of the actual circumstances of the case. As I observe in my inclosed despatch to him of the 3rd instant, it is plain that when a desperate attempt was made by the rabble to burn and plunder Mr. Church's residence, nearly three hours elapsed without any assistance from the Government, and the combined energy of the English, Americans, and others alone saved the factories from a general sack, to which even the Chinese shops were equally exposed. The death of the three Chinese was therefore as inevitable as in the American case of 1844.

The Consul appeared to me upon the whole to feel too secure of the maintenance of tranquillity, as from the representation of the case on the Chinese side I was inclined to expect some trouble, and thought it best to be prepared for the worst.

The attempt on the part of the Local Government to simplify the question by pretending that the English alone were concerned in the repulse of the mob I considered highly objectionable, and therefore directed the Consul not to submit to it. I at the same time approved of his not requiring the protection of a vessel of war at Canton as long as adequate aid was afforded by the Government, though I should be prepared to send one up if necessary. The presence of such a vessel obviates any need of the very objectionable measure of having marines on shore.

I now add copies of the merchants' address to the Consul representing the necessity of an armed vessel being immediately and permanently anchored at Canton, and Mr. Macgregor's reply, in which he denies the policy of such a course. I have since received from Her Majesty's Consul the inclosed rejoinder from the British merchants, in which they strongly urge the necessity for the protection of a man-of-war.

In my inclosed despatch to the Consul of this day's date I repeat my willingness to be guided by his own responsible opinion (being on the spot) as to sending up the "Nemesis" when she arrives, but at the same time point out to him the absolute necessity of preserving the privilege of anchoring a vessel in case of need at Canton, which he had shown some disposition to abandon, though we have always hitherto practised it at every port. I conclude with expressing my sincere hope that his expectations of continued tranquillity may be realized.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 7.

Consul Macgregor to Sir John Davis.

Sir,

Canton, July 31, 1846.

WITH reference to recent correspondence on the subject of the disturbance at the factories in the beginning of the present month, I have now the honour to forward to your Excellency copy and translation of a joint letter from the Imperial High Commissioner and the Governor, containing the result of their investigations into the circumstances attending it. I also inclose copy of my reply thereto, in which I have endeavoured to combat the various charges brought forth inculpating the parties concerned in suppressing the rioters.

I have, &c.

(Signed)

FRANCIS C. MACGREGOR.

Inclosure 2 in No. 7.

Commissioner Ke and the Governor of Kwangtung to Consul Macgregor.

A Communication.

(Translation.)

KE, a Member of the Imperial Family, Imperial Commissioner, Guardian of the Crown Prince, Assistant Minister, a President of the Board of War and Governor-General of the Two Kwang; and Hwang, a Vice-President of the Board of War and Governor of Kwangtung, hereby make a communication.

Some time ago we received your answer containing the particulars you had ascertained regarding the quarrel, attended with loss of life, between the English and the [Chinese] people, on receiving which, and basing our instructions on the particulars contained in it, we again wrote to the local civil and military officers, directing them to make a true investigation into the matter.

Now the said local authorities having instituted a number of secret examinations and inquiries, besides having assembled the people of that neighbourhood together, and ascertained the truth from them, have sent in a reply based on the facts.

On examining into the particulars reported, we find that the British merchant Compton had previously, on the 4th instant, at the door of the guard-house at Old China-street, kicked to pieces the stall furniture of a fruiterer at that place, and on the military officer, Le-fung-tseang, going out to admonish and stop him, he beat the latter with a cane which he held in his hand. The people assembled in the street were already in a disturbed state, and a riot had almost taken place, when fortunately the te-paou (overseer) informed the compradors, who having stopped the quarrel by their representations all parties dispersed. On the 8th instant, at about 6 o'clock P. M. (yew kik) a foreigner was disputing and wrangling with a Chinese, a vendor of plums, at the entrance to Old China-street, which Compton perceiving from an upper story, again descended with a cane in his hand, and hastened to inflict random blows with it on the vendor of plums. In the course of the quarrel Compton suddenly laid hold of a man and took him into the Changho hong where he tied and beat him, thus causing the assembled Chinese who were not disposed to submit to the proceeding, to make a disturbance at the back of the said hong. It was therefore Compton who repeatedly created disturbances. Nothing could be more violent and perverse than his conduct in disgracing the military officer by blows, and in taking it upon himself to tie and beat a Chinese; and since he was not in a state of intoxication from liquor, it follows that he calmly proceeded to excite disturbances, which is quite inexplicable.

Afterwards, when the man who had been tied had already been let out by the owner of the hong, the Chinese crowd not being aware of the circumstance, and wishing to get into the hong to liberate him, collected and threw stones so as to destroy the wooden rail barrier and the back wall of the said hong. The Chinese crowd did not, therefore, by any means create a disturbance without cause, but feeling resentment at the insults of the English, wished to retaliate.

The English collected together a number of persons carrying fire-arms, went out and attacked the Chinese, who, dreading their violence, immediately retreated and dispersed; but again the English pursued them in different directions with fire-arms, and attacked them so as to kill three and wound six. The District Magistrate has held an inquest on the different bodies, which were by no means at the back of the Changho hong, the scene of the disturbance, one being at the entrance of the Danish hong, one at the bottom of New China-street and one at the bottom of Old China-street. It is therefore evident that the English had determined to commit violence, between which and the being constrained to kill and wound others in self-defence, there is a wide difference.

Moreover you had at the time agreed with the others that they should not fire except on command and upon an emergency. Now as the Chinese had already dispersed, there was no emergency, still less were any serious consequences for the lives of the English to be apprehended, yet the latter disregarding your restrictions, precipitately pursued after and fired at the Chinese, acting therein in a very unnatural and unreasonable manner.

It appears from what the District Magistrate concerned has ascertained that the persons killed by fire-arms were—one a man from the Hoshau district named Hwang-a-woo, who carried out pork for sale for the Yuenhing shop in the street called the Shih-tseih-poo; one a man from the San-shwuy district named Le-a-lin, who was a fruiterer; and one a man from the Kaou-yaou district named Tang-a-shing, who was a workman in the Lun-ho merchant tailor's shop. They were by no means vagabond thieves, but were all daily employed in gaining a regular livelihood. The other six persons who were wounded were all people whose names and dwelling-places are known, and who also gained their living by working for hire. At present the relatives of the deceased flock to the district magistracy asking life for life, and the local authorities have nothing to say in answer to them.

After minutely examining all the circumstances of this case from beginning to end, it is our opinion that the English are really in the wrong. The tradesmen of the neighbourhood, the linguists and the comrades, as also the merchants of the different countries, have all equitably discussed this point, and the fact cannot be concealed or glossed over.

You also state that "the Chinese assailed us with a volley of stones, and then precipitately retreating were pursued for some distance, as I afterwards learnt, by some of our party with muskets and other fire-arms. These were at length compelled to fire on the rioters, in which affray I lament to say several of them were killed." The Chinese people were therefore, after having retreated, pursued and killed with fire-arms by the foreigners. Now we ask you, who are very well acquainted with the interior relations of affairs, to consider that if people who have already retreated be pursued and attacked with fire-arms, there must doubtless be in such conduct the intention to kill. Since you were not present and also lament the circumstance, it follows that the right and wrong of this affair is really already clear to your mind; and when you say that it was not "murder" and the guns were fired at random in the dark streets, you do not avoid chicanery in explaining the matter away.

If people like those who were killed, and who in fact fought on account of a quarrel, have the name of thieves hastily bestowed on them not only will the dead be filled with resentment at their injuries, but the respectable people of Canton will also be in a disturbed state on their account. Further, from your communication you are aware that there were good people among those who were killed, but to say that "if good people from idle curiosity or any other cause give countenance to a mob of

rioters by swelling their numbers, they must necessarily involve themselves in the same danger and consequences," this speech very much exceeds what is right and proper. If indeed the English kill the Chinese it may still be said that good people ought not to collect together and look on from the side so as to be wounded and injured in mistake; but on this occasion the Chinese had already fled and dispersed, not daring to make further opposition to the English, yet the latter pursued after and fired at them, wildly attacking them, so as to kill with the others persons who had no concern with the matter. If it still be considered that these people drew down the calamity on themselves, we sincerely apprehend that it will pain every one who hears of it.

We have no desire to favour the Chinese in this case, but there is in every affair a true right and a true wrong, and if a mutual tranquillity is to subsist between the Chinese and foreigners, the common feelings of mankind and the just principles of heaven must be conformed with. Besides, human life is of extreme importance, and the anger of the public difficult to appease; hence we cannot regard this as a common matter, nor fail to aim at what is fair and proper.

As you were not present at the time, and had besides before the affair previously admonished and warned the others not to make a light use of fire-arms, there was in reality nothing unfitting in your manner of management; but it is really a matter of difficulty lightly to show indulgence to Compton and the others, who, disregarding your restrictions and taking delight only in presumptuous violence, have regarded the lives of the Chinese as grass (*i. e.* of no consequence).

A multitude of placards are now being posted outside expressive of much anger and resentment, and we are very desirous to issue another proclamation to tranquillize the people; but as the right and the wrong of this affair is not yet plain, we are totally without means by which to bring the minds of the people of Yue to submission. And although a colonel with other officers have for a succession of days been appointed to take troops to the place and suppress all tumult, yet we sincerely apprehend that another disturbance may be created against which it may be difficult to guard on a sudden: hence we are in a state of great grief and anxiety. You who have a knowledge of affairs and good sense must be aware that there are wise and stupid among men, and that there is a right and wrong in every affair, and though Chinese and foreigners are very different, still the common feelings of nature and right principles are the same; hence if this affair is to be safely and satisfactorily settled, ideas of partial protection must not in the slightest degree be entertained,—a conduct which will prevent the attainment of equity in the proceedings, and again give rise to some very serious case.

It is therefore our duty to communicate with you again on this subject, to request that you will take your measures with a strict adherence to justice, and give us a reply based on the facts. A necessary communication.

For the British Consul Macgregor.
July 19, 1846.

Inclosure 3 in No. 7.

Consul Macgregor to the Governor-General of the Two Kwang and the Governor of Kwangtung.

July 29, 1846.

I HAVE the honour to acknowledge the receipt of your Excellencies' communication of the 19th instant, conveying an account of the examinations which you have instituted into the cause of and the several facts connected with the disturbances that occurred at the foreign factories on the 8th of the present month. It would appear from the result of these inquiries—

1. That the British merchant Compton is charged with having on

the 4th instant, near the guard-house in Old China-street, kicked to pieces the stall furniture of a vendor of fruit.

2. That the same individual is charged with having caned the Chinese military officer Le-fang-tsean, who came out to admonish and stop him.

3. That the same merchant is charged with having officiously interfered on the 8th instant in a dispute between a foreigner and a vendor of plums at the entrance of Old China-street, and having with his cane inflicted random blows on the person of the fruiterer.

4. That he is further charged with having in the course of the quarrel laid hold of another man and taken him into the Changho hong, where he tied and beat him.

5. That he is lastly charged with having excited the assembled mob by his violent and perverse conduct, and thereby caused the late popular disturbance, which ended in an affray with the foreigners in which several Chinese were killed and wounded.

6. That after the man who was captured had already been let out by the owner of Minqua's hong, the crowd not being aware of the circumstance, and intent upon liberating him, collected before the house and endeavoured to enter it by force.

7. That the Chinese mob did not therefore create a disturbance without cause, but feeling resentment at the insults of the English wished to retaliate.

8. That the English having collected together a number of persons carrying fire-arms, went out and attacked the Chinese, who immediately retreated and dispersed, but that the English pursued them in different directions, fired at them, killing three and wounding six.

9. That the bodies of the three persons killed were not found at the back of the Changho hong, the scene of the disturbance, but respectively at the entrance of the Danish hong, at the bottom of New China-street and at the bottom of Old China-street, whence it is evident that the English had determined to commit violence, between which and being constrained to kill and wound others in self-defence there is a wide difference.

10. That the party sallying out having been enjoined not to fire unless by command or upon an emergency, and the Chinese having already dispersed, there was no emergency nor danger for the lives of the English, and yet the latter disregarding these injunctions precipitately pursued and fired at the Chinese.

Before entering into a consideration of the merits of the above points, and of the arguments therein adduced, I must necessarily revert to the Regulations* of the 12th July, 1844, for the protection of the foreign factories, and to express my conviction that if, namely, Article IV had been strictly adhered to, the late riot would never have occurred. I am cognizant of the fact that repeated official applications were made to your Excellencies to have it strictly enforced, and I do not doubt that the most positive orders to that effect were given; but it is no less certain that for a considerable time past they have been utterly disregarded. All sorts of hucksters and other persons expressly excluded by the regulations from the two streets flanking the foreign factories were suffered notwithstanding to establish their stalls there, attracting a great number of idlers of the lowest class of Chinese, who continually crowded the place, much to the annoyance and discomfort of the foreign community. A collision with the intruders, long foreseen, took place at last; but as it is just and reasonable in such cases to begin with the beginning, I conceive that the primitive cause of the late disturbances must be ascribed, not to the alleged eccentricities of Mr. Compton, but to the palpable neglect of duty and the supineness of the officers charged with carrying the regulations into effect.

On this occasion I think it right to recall to your Excellencies' recollection the fact that it was not the British alone, but the whole foreign community of Canton who were actively concerned in these occurrences, whence it is proper that any strictures upon their conduct should not be confined to the former, but be made to include all foreign residents collectively.

* See page 33.

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I shall now revert to the points of discussion themselves, and with reference to those marked from 1 to 5, I beg to state that Mr. Compton's case having been represented to me in a manner differing very materially from the result of your Excellencies' investigation of it, I have judged it necessary, in order to arrive at the truth, to examine that gentleman upon the various charges brought against him, and to hear witnesses in his case, with the particulars of which I shall acquaint your Excellencies in due time.

Ad 6 it is necessary to remark that according to the evidence of two credible witnesses, the man confined by Mr. Compton in Minqua's hong, was soon after his capture released and let out of the same door into which he had entered. The man was distinctly seen moving among the crowd, distinguished by the vehemence of his gesticulations; the latter were therefore as little ignorant of his liberation as of his presence among them. Their perseverance however in the work of destruction, notwithstanding the ostensible object was attained, the disrespect they showed to their own magistrate on his approaching to warn them off, seem to bear me out in the opinion I then formed, that the assembled multitude was less actuated by feelings of revenge, than by the desire for plunder, and that a great proportion consisted of thieves and vagabonds. I was confirmed in it on learning that a gang of them had simultaneously made an attempt to rob the Zungmaou banking establishment in Factory-street; a circumstance also alluded to in the proclamation of the Magistrate of Nanhæ of the 12th July.

Ad 7 I have to observe that in all well-organized States, the assemblage of large masses of people for unlawful purposes, under any pretence whatever, is strictly prohibited by the Legislature, and if the crowd do not immediately disperse after having been warned by the police magistrate, coercive measures are resorted to in order to enforce obedience to the laws. If any one of the natives finds himself aggrieved by a foreigner, he must apply to the constituted authorities for redress, but refrain from ever becoming the avenger of his own wrongs in combination with other people. It is evident therefore that the excesses recently committed by the Canton rabble cannot be rendered lawful on the plea "of the disturbances not having taken place without a cause," as alleged in your Excellencies' letter; on the contrary I conceive that for the sake of example the instigators and abettors, if discovered, should be rigorously dealt with.

Ad 8 it can be proved that no attack was made upon the mob assembled in the immediate vicinity of Minqua's factory; on the contrary, when our party came up with the rioters, they attacked us with a volley of stones, notwithstanding which, so long as the foreigners followed them in a body, not a shot was fired. On continuing their retreat, however, into the back streets in diverging directions, pursued by separate parties of foreigners, for the purpose of driving them beyond reach of their factories, the mob appears to have rallied at different times and braved them in various places by throwing stones at them. Thus situated, and finding themselves assailed by superior numbers, the foreigners were compelled to fire in self-defence, and if they had not done so they would in their turn have been driven back and severely injured, a contingency which might have led to the most disastrous consequences. So far from the mob dispersing, as alleged in the report made to your Excellencies, it was in the streets intersecting the foreign factories that they were most prepared to show fight, and if several Chinese were killed and others wounded in this affray, it was also here that several foreigners were badly hurt from the effect of missiles.

Ad 9 The reason why the bodies of the killed were not found in the immediate proximity of Minqua's factory, but in the streets adjacent, has already been sufficiently explained in the preceding paragraph to need further comment, and I trust that the details therein given will tend to remove from the minds of your Excellencies the impression that there existed on the part of the foreigners any predetermination to commit violence. The scouring of the streets leading to the factories and keeping them clear of the rioters, was a measure dictated by absolute

necessity, and without which, emboldened by our retreat, they would have returned in increased numbers to resume the work of destruction in which they had just been disturbed.

Ad 10 I will only state that although the party coming out had been enjoined not to fire except by command or in a case of emergency, yet the fact must not be lost sight of, that the rioters, in lieu of dispersing, as your Excellencies seem to believe, did not disperse, but rallying in the back streets, assailed the foreigners with missiles, till the latter, finding their lives in danger, were compelled to fire.

However much the circumstance is to be deplored that the Chinese who lost their lives on this occasion should on examination have been found to belong to a better class than those which I designated as most actively engaged in the riot, yet irrespective of the general feelings of humanity, I find no reason for altering my opinion of their case as taken in a legal point of view; and I must therefore reiterate to your Excellencies that, according to the laws of most of the western nations, a person who remains with a mob after their having received warning to disperse, (and whether belonging to the good or bad people,) is viewed in the light of an accomplice, and must take his chance of the consequences along with the rest. Of murder, besides, there can be no question in the present instance. Murder implies an intention to kill, with malice aforethought. These requisites are wanting here. The foreigners, as already stated, having been attacked by the natives with missiles, fired in self-defence; no aim was taken—they fired at random in the dark streets, and each of them was ignorant at the time whether his bullet took effect or not. It is therefore evidently a case of justifiable homicide against persons unknown, and not punishable by our laws. If your Excellencies however should feel any further doubt upon the subject, I shall consider it my duty to remove it by referring the question for the opinion of the lawyer of the Crown in the Colony of Hong Kong.

In conclusion I would respectfully represent to your Excellencies two points, which appear to be of the highest importance, and indispensable for the preservation of order and tranquillity in the precincts of the foreign factories in future, viz. :

1. That arrangements should be made for securing a more prompt and efficient interference of the competent local authorities in cases of public disturbances than has hitherto been evinced; and,
2. That more effectual means than heretofore should be adopted for preventing the assemblage of crowds of common people in the thoroughfares around the factories, in order to avoid as much as possible the chances of collision between natives and foreigners.

I consider it merely necessary to call your Excellencies' attention to the first of these points, to insure its fulfilment.

With regard however to the second, I shall have the honour of submitting a plan for your consideration, which seems to be well calculated to prevent the recurrence of outbreaks of popular violence such as we have recently witnessed.

In the meantime I am under the necessity of intimating to your Excellencies that should the populace of Canton, under any pretence whatsoever, again endanger the lives and property of British subjects by any further attempt upon the foreign factories, without more prompt and efficacious measures being taken by the Local Government, upon whom we depend for protection and the suppression of tumult, circumstances may eventually place me in the unpleasant predicament of withdrawing the British Consular Establishment from Canton, leaving the Chinese authorities and Government responsible for whatever consequences might result.

(Signed)

FRANCIS C. MACGREGOR.

Sir John Davis to Consul Macgregor.

Sir,

Victoria, Hong Kong, August 3, 1846.

SINCE my arrival yesterday from the North, I have attentively perused all your despatches relating to the late serious riot at Canton.

From these it is plain that though the disturbance commenced in a private squabble with one of the English merchants, it ended in a desperate attempt on the part of the rabble to sack and burn Mr. Church's residence. It is equally plain that for nearly three hours no assistance whatever was afforded by the Local Government, and that the only thing which saved the foreign factories from a general pillage was the repulse of the mob by the armed English and Americans under your direction and that of Mr. Parker. In this proceeding, which was rendered necessary by the attack of the rabble with stones, the foreigners merely acted in defence of their lives and property; and the death of the three Chinese, however much to be regretted, was inevitable.

I am prepared to expect a great deal of trouble from the insidious and uncandid turn which has been as usual given to this unfortunate transaction by the Chinese Government; and though you appear to feel secure as to the preservation of tranquillity for the present, it appears to myself that the danger of violence is very far from being passed away, and that it behoves us to be prepared in every manner for the worst.

Nothing can be more inadmissible than the attempt of the local authorities (following exactly the example of the late Commissioner Lin) to fix the odium and responsibility of the three deaths on the English alone, when it is notorious that Mr. Parker and many other Americans and foreigners were equally engaged. It will be your bounden duty to disclaim in the strongest terms all concern with the matter apart from the other parties, and to let no feelings of punctilio or delicacy to the latter interfere with this obvious and indispensable line of proceeding.

It appears to myself that the British merchants at Canton have no inconsiderable grounds for alarm for the safety of themselves and property under existing circumstances. I do not deny that you were right in not desiring the presence of a vessel of war near the factories at the exact period in question; but contingencies may soon occur in which such protection may be indispensable for the security of our people's lives. I must draw to your attention the broad, clear, and palpable distinction between an armed force on shore, and one of Her Majesty's ships anchored in the river as a place of refuge. There is nothing whatever in Article X of the Supplementary Treaty to prevent a man-of-war lying opposite to Canton, in common with Shanghai, Ningpo, and Amoy; and though I am far from thinking that one should be permanently retained there, it would be a most superfluous and uncalled-for concession on my part to the crafty Government of China to make a voluntary surrender of so indispensable and indisputable a right. By Article XXX of the French Treaty, a man-of-war is entitled to go wherever she can float; and the restrictions in our own Treaty are obviously applicable only to merchantmen.

Being hurried to save this day's post, I can only request at present that you will keep the above principle generally in view in your communications with the local authorities.

I have &c.

(Signed) J. F. DAVIS.

Inclosure 5 in No. 7.

Mr. Campbell to Consul Macgregor.

Sir,

Canton, July 30, 1846.

HAVING reason to believe that the inimical feeling on the part of the Chinese against the foreign community is by no means abated, and that an opportunity is only wanting to induce them to vent their hostility, and to make a more formidable attack upon our lives and property than has yet occurred, may I respectfully ask if any measures have been adopted by Her Majesty's Government in this country for that protection which we hope we, as British subjects trading here with Her Majesty's sanction, and under Consular jurisdiction and authority, have a right to expect. The testimony of those long and intimately acquainted with this country, as well as recent facts and occurrences, afford abundant evidence that the people no longer entertain that reverence for the constituted authority which formerly tended to hold them in check, that a democratic spirit is rapidly gaining strength, and that the authorities in this place in particular have now little power, and are obliged, in order to quiet the people, to have recourse to deception and subterfuge. Such being the present state of things, it is not likely that we shall be able very long to calculate even upon the tardy and generally inefficient assistance now afforded us, and that it is more than probable that, acting again in your presence and with your sanction, we shall be called upon to defend ourselves as on the late occasion, and in all probability with more fatal consequences.

You may not be aware, Sir, that only three days ago three American gentlemen passing quietly in a hong boat through a creek on the other side of the river, were furiously attacked by a mob of people for three quarters of an hour, that blocks of granite were thrown down upon the top of their boat as they passed under the bridges, and that but for the strenuous efforts of their boatmen, who were nearly all severely wounded on the occasion, and from the circumstance of the boat being roofed, their lives would probably have been sacrificed. This late occurrence, allow me to say, Sir, may serve, if such were necessary, to corroborate more fully what I have already brought forward, and show more strongly that we are in reality surrounded by and at the mercy of an uncontrolled and ill-disposed populace.

I am also informed that the mandarins, in their present communications, still adhere to the same objectionable policy as that to which I took the liberty of directing your attention in my letter of the 15th instant, and fix upon the English as the only parties concerned in the late affray, notwithstanding the care you took as mentioned in your letter to me of the 16th instant, to point out to the authorities that the foreign community on the late occasion acted together for mutual protection. It is evident, Sir, that the continuance of such a policy on the part of the Chinese towards us as that I have just alluded to, must if allowed be injurious to British interests, and I am grieved to say that notwithstanding our treaties, our proximity to Hong Kong, and to a British military and naval force, British subjects now seem to be treated with greater disrespect and contempt than perhaps at any former period when trade existed, and that that system of encroachment so readily practised by the Chinese, has also rapidly been gaining ground. As chairman of the committee I have considered it right to endeavour, Sir, to impress upon you that there exists even more necessity than before for affording Her Majesty's subjects and British property adequate protection; and it is not only the opinion of the whole community here, but I understand also of his Excellency the Lieutenant-Governor of Hong Kong and of the Senior Naval Officer, and if I am not greatly mistaken, of you likewise, that that protection can only be properly afforded to us by a vessel of war lying either off the factories or at Macao Passage, able at all times to render immediate aid. The "Wolverine," now at Whampoa, and I understand placed at your disposal, cannot send us, as you are well aware, any assistance in a shorter time

than ten or twelve hours; and I therefore venture to hope, Sir, that you will see the necessity of placing her in a position more likely to be of service to Her Majesty's subjects.

Whatever measures may be adopted, the British community will feel that they have not been wanting in representing to Her Majesty's Government in China the true state of feeling among the Chinese population; the precarious and unsatisfactory nature of their position as British merchants, and the serious inconveniences and losses likely to arise both to themselves and those at home from the want of adequate protection to British commerce.

May I request the favour of your communicating the contents of this letter to Her Majesty's Government at home.

I have, &c.

(Signed) A. CAMPBELL,
Chairman of the Committee.

Inclosure 6 in No. 7.

Consul Macgregor to Mr. Campbell.

Sir,

Canton, July 31, 1846.

I RECEIVED your letter of yesterday's date in which, after stating that you have reason to believe that an opportunity is only wanting to induce the Chinese to vent their hostility and to make a more formidable attack on the lives and property of the foreign community than has yet occurred, you inquire, as Chairman of a Committee of British merchants, whether any measures have been adopted by Her Majesty's Government in this country for the due protection of British subjects.

In a circular I addressed to British merchants on the 9th instant, I stated that "Her Majesty's Government imperatively require that the Chinese authorities should not be interfered with in repressing the violence of the mob unless they themselves should require our assistance." This restriction applies to any force from a British vessel of war. Though on the evening of the 8th the authorities were somewhat tardy in dispatching assistance to the factories, it is not therefore to be inferred that they have not the will or the power to protect us;

1st. Because the tumult is quelled by their interference and authority, the place being perfectly quiet at this moment; and,

2nd. Because from 200 to 300 soldiers are stationed in places around the factories to preserve the peace; and these at night are joined by runners attached to the District Magistrate.

Neither should it be inferred from the circumstance you relate of an attack upon some American gentlemen in a creek on the opposite side of the river, that any feelings of animosity, more than common, actuate the populace at large, for the attack in question is by no means an isolated case of the kind, but one of several to which various parties have had to submit at all times in places but little frequented by foreigners, where the ignorance of the rabble is apt to magnify the evil report which has obtained against us since the disasters which befel them during the war.

In order to test the disposition of the people, and to decide upon the conflicting reports current respecting it, I walked last evening with Mr. Jackson in all directions in the back streets for nearly an hour and a-half, attentively observant of the gestures and behaviour of the people, and do not hesitate to state that I never observed on any other occasion less manifestation of dislike or revengeful feeling.

As already stated to you I have made the local authorities fully aware that foreigners in general were combined for mutual protection on the evening of the 8th. Considering the readiness with which they came to our assistance in repelling the attack of the rioters on Mr. Church's premises when they might have confined themselves within their own walls for their own protection, I fear it might appear ungracious again

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to remind the Governor-General of their participation in the disasters which succeeded, more especially as there can be no doubt of his thorough knowledge of it.

With regard to the necessity as urged by you for anchoring the "Wolverine" in front of the factories, or in the Macao Passage, I must premise that Article X of the Supplementary Treaty sufficiently indicates the anchorage of the port and the purpose for which the presence of a vessel of war was stipulated for; while the latter part of the same Article clearly expresses the necessity of caution against exciting misgivings among the people. Although it is probably as well known to the Chinese authorities as to ourselves, that the "Wolverine" has been sent to Whampoa in consequence of the recent disturbance, it is nevertheless obvious to my mind that her sudden appearance off the factories at this moment would excite the misgivings of the populace, and that the very effect would be produced thereby that it is so necessary to avoid, while it is much to be feared that any amount of force which could be landed would be wholly inadequate to offer an effectual resistance to the infuriated mob of a city like Canton.

Without more urgent reasons therefore than already given, I cannot, in opposition to my own judgment and the most positive instructions from Her Majesty's Government, take upon myself to direct the nearer approach of the "Wolverine."

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 7 in No. 7.

Mr. Campbell to Consul Macgregor.

Sir,

Canton, August 4, 1846.

I HAVE the honour of acknowledging your letter of 31st ultimo in reply to mine, in which as Chairman of a Committee appointed by the British community, I took the liberty of inquiring what steps had been taken for the protection of the lives, the property, and the important trade which we feel to be still in jeopardy.

It is with much regret I learn from the exposition of your views with which this letter favours me, that the assistance which the Lieutenant-Governor of Hong Kong placed at your disposal, and which the Senior Naval Officer of that station agrees with all the rest of his countrymen in thinking necessary, is not to be afforded them.

You inform us that Her Majesty's Government imperatively require that the "Chinese authorities shall not be interfered with in repressing the violence of the mob, unless they themselves should require our assistance."

It is not for me to question your instructions, and in commenting upon them and on your interpretation of them I most anxiously desire to speak with all becoming respect; but, Sir, the Committee appointed by the British community, of which I am but the organ, feel, my countrymen feel, that they have the right and that it is their duty to make known to you, and through you to Her Majesty's Government, their unaltered conviction of the necessity of the measure of which they have before prayed the adoption, and of the utter futility of looking to the Chinese Government for timely aid—always promised, never afforded.

Having understood from you that it had been made a subject of serious complaint, the community will see with some surprise the faint expression made use of in your letter as to the "Chinese authorities having been somewhat tardy in dispatching assistance." Surely such terms by no means characterize the shameful apathy which left us for more than three hours at the mercy of a mob; nor can it be said that the riot was finally quelled by the Chinese authorities. It was quelled by the spirit and determination evinced by the foreign community, led on by those to whom they naturally look in seasons of danger and difficulty, and

who were found faithful at their posts. The Chinese authorities, were they always on the alert (which they never are), might check disturbance at its outbreak, but are helpless when danger is great and imminent.

Further, Sir, British subjects do not feel that the measures since taken by the Chinese authorities are at all sufficient to prevent recurrence of outrage. The elements of mischief exist unchecked, the obstructions and annoyances of which the community have complained are unremoved, and the few debauched and ragged creatures loitering about our houses, dignified here by the name of soldiers, would be utterly unable to repress any disturbance which might suddenly arise.

Her Majesty's Government desires that the Chinese authorities should not be interfered with. It can surely be no interference that in their absence our force should act. Surely, Sir, experience has amply shown the efficacy of a disciplined body of men timely called in and firmly directed, and how lamentable have been the consequences of neglecting the early suppression of the most trifling disturbances, and yet it is thought prudent to rely on Chinese aid, which I must again remind you on the evening of the 8th was more than three hours in reaching us, and which the long and bitter experience so many of our numbers have had of similar scenes informs them has never been afforded, except in the same culpably dilatory manner.

I cannot think your inference of the good disposition of the people towards foreigners borne out by the fact of yourself and Mr. Jackson having walked out in the back streets unmolested. You might doubtless have done the same half an hour before Mr. Church's house was broken into on the 8th July, or the factories fired in December 1842. It has never been alleged, however, that we could not with safety leave our houses, that an attack was inevitable. All that has been asserted is that an attack may at any moment be made, that a fatal disturbance may thence arise, and that the Chinese Government will not or cannot or do not check such disturbances in proper time; and that they are of frequent occurrence, can hardly be used as an argument against the adoption of measures to prevent their ending in the fatal consequences to be apprehended from the violence of a furious mob whose passions you admit to be exasperated against us. You seem to have misunderstood my allusion to the Chinese authorities having entirely slurred over the participation of all foreigners in the affair of the 8th. I believe there is no British subject here who at all desires to evade his share of the responsibility of the severe but necessary measures then resorted to; but British interests require that our countrymen should not be studiously singled out from the mass on all occasions; and, Sir, I must be pardoned for informing you that there is a very general feeling in the British community, that greater favour is in many ways shown to American than to British residents.

It is possible this state of things (if it exist) may arise from the recollection of the recent war, or it is possible that the recollection of that war has been too easily effaced, and that the desire to conciliate and the habit of deference have led an arrogant people to encroachment.

Pardon me, Sir, these general reflections.

There remains to notice the paragraph in your letter in which it is attempted to be proved that Canton is not within the Port of Canton, and that that cannot by treaty be demanded which may yet by circumstances be necessary.

I venture to remark that junks and small vessels come constantly up to the factories, load and discharge there; that vessels of more considerable size have been up here. Physical difficulties, the inconvenience of many ships, and the impossibility of any of considerable size or deeply laden going out or coming in, these circumstances have made Whampoa the usual anchorage for merchant-vessels; but I may further remind you that nothing can be well more uncertain than the limits of Whampoa, the ships occupying without any particular regulation a space of several miles.

I am aware that by Article X of the Treaty it is stated that the purpose for which the cruiser is to be stationed at each of the Five Ports is

"to enforce good order and discipline among the crews of the merchant shipping;" but by the 14th Clause of the Regulation of Trade this is more fully explained,—“An English cruizer will anchor within each of the Five Ports, that the Consul may have the means of better restraining sailors and others and preventing disturbances.”

It will not surely be said that Her Majesty's flag can fly anywhere to coerce and yet not to protect her subjects. It is to prevent disturbances that we ask for the efficient protection of that flag; for we cannot at all share in the apprehension you express of the inadequacy of the force now within reach; we feel that it would be sufficient.

In conclusion I must solemnly in the name of the community reiterate the opinion of that community, that it is necessary for the safety of our lives, property, and trade, that a ship of war should be permanently situated near (off) the factories. Surely these are of more importance than the chance of exciting the idle misgivings of a populace, and his responsibility is great who, with the power to protect, withholds protection.

The Committee discharge themselves of all responsibility in thus plainly, strongly, but they trust respectfully expressing their minds.

I have, &c.

(Signed) A. CAMPBELL,
Chairman of Committee.

Inclosure 8 in No. 7.

Sir John Davis to Consul Macgregor.

Sir,

Victoria, Hong Kong, August 7, 1846.

IN reply to your letter of yesterday's date, inclosing a correspondence with the English merchants, I have to express my satisfaction that quiet is still maintained at Canton.

As I before observed, I see no reason to question the good policy of your decision as to dispensing with a man-of-war at Canton under the actual circumstances, and while the Chinese Government maintained tranquillity. The wish of the British merchants to have one permanently anchored there is out of the question, as in this manner two vessels of war would be constantly required in the Canton River.

But the possible necessity of a steamer or other vessel being, under inevitable circumstances, anchored opposite to Canton for the safety of our merchants and commerce is a very different question. In my despatch to you of 27th June, 1844, I pointed out the objections to an armed force of marines on shore at Canton, and received the entire approval of Her Majesty's Government with reference to those instructions. The very end and aim of an armed vessel afloat is to prevent the necessity of such a course, and to provide a defence and refuge for our people out of immediate contact with the rabble. To overlook this clear and evident distinction would be in fact to confound together the evil and the remedy.

That we should reserve to ourselves the unquestionable right of doing that at Canton which we do every day at the other Four Ports is sufficiently evident, considering that, while the interests at stake are greater at Canton, the security enjoyed is in the inverse proportion. The turn given by the Local Government to the late unfortunate occurrences is such, that I repeat my apprehensions as to the discussions and the danger not yet being terminated, though I shall be most happy to find that they are.

To allow our indisputable right to be questioned as to sending one of Her Majesty's vessels to Canton in case of necessity would be a dereliction of my duty. I know of no present use for Her Majesty's naval force in China except as a protection to British trade, and to cut ourselves off from that protection, where it might seem most needed, would be a surrender, to say the least of it, of a most supererogatory description. Whatever the restrictions on merchant-vessels, there is not a syllable in

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the English Treaty to restrict Her Majesty's ships from going where they please; and if this negative sanction were not enough, Article XXX of the French Treaty is a positive one of the most unequivocal kind.

However notorious it may be in fact to the Chinese authorities that the English were not the only parties engaged in repelling the rabble from the factories, the Local Government must not be allowed to persist in its endeavours to throw the whole odium and responsibility on our people. The other foreigners would indeed be constituted very differently from ourselves had they any objection to be recognized as parties in the exercise of the universal right of self-preservation. The thing to be opposed is the insidious and dishonest attempt on the part of the Chinese, with whom more than thirty years' experience has made me only too well acquainted.

I repeat that as long as acting on your own responsibility, you who are on the spot consider that British lives and property are safe at Canton without the protection of the "Nemesis" (which I expect daily from the north), I shall most gladly abstain from sending her up; and I sincerely hope that your anticipations of continued tranquillity and safety may be confirmed, though Keying himself, in his note of the 19th instant, tells you that he apprehends the reverse.

I have, &c.
(Signed) J. F. DAVIS.

P.S.—I have not received any account of the result of your investigations into the conduct of Mr. Compton.

No. 8.

Sir John Davis to the Earl of Aberdeen.—(Received October 26.)

My Lord, *Victoria, Hong Kong, August 18, 1846.*

WITH reference to my despatch of the 7th instant, my last despatch upon the same subject, I have the satisfaction to announce that I have received information of everything being tranquil at Canton up to the 15th instant.

The "Nemesis" steamer having arrived from the north, I have availed myself of her services to convey despatches to Keying and to Her Majesty's Consul, with permission to the latter to detain her near Canton, if desirable.

I had just received inclosure No. 1 from Keying, giving a colour to the late unfortunate transactions very wide of the truth, and I accordingly replied by inclosure No. 2, in which I state that the energetic and combined defence made by the English and Americans alone saved the factories from pillage, in the absence of all aid whatever from the Local Government.

I moreover corroborated this by inclosing to his Excellency the translation of the American account of the affair, as published at page 364 of the "Chinese Repository," which I beg to forward herewith.

The Chinese Government may justly be charged with the late riots on two distinct grounds. First, for not having carried out the Regulations agreed upon in July 1844 with the American authorities; and secondly, for allowing the foreigners to remain three hours exposed to the rabble, until they were compelled to disperse the assailants themselves.

I considered at the same time that the first conduct of Mr. Compton in kicking down a man's stall had been intemperate, and accordingly by the inclosed letter suggested to Mr. Consul Macgregor the propriety of fining him for the act. I also sanctioned a scheme first suggested by Mr. Macgregor himself, that of some pecuniary compensation from the mercantile community to the relations of those persons who had fallen victims to the riot.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 8.

Commissioner Keying and the Governor of Kwangtung to Sir John Davis.

(Translation.)

Keying, High Imperial Commissioner, &c., Hwang, Lieutenant-Governor of Kwangtung, &c., send an answer and acknowledge the despatch of you the honourable Envoy, dated 6th month 13th day (4th August), after duly perusing the same.

You the honourable Envoy refer to the event that occurred in the 5th intercalary month, 15th day (8th July), being anxious that the local authorities should restrain the Chinese populace to prevent subsequent similar disturbances, which fully proves your thorough acquaintance with the state of affairs and your solicitude for the future. After however examining all the particulars of the case, we ascertained that Compton, a merchant of your honourable country, smashed the vessels of a fruiterer in the Tsingyuen-street at the Kwantuy entrance. When however Le-fung-seang, a military man, remonstrated with him, Compton immediately used the handle of his whip to chastise and insult him. This displeased the people of the street, and hence the disturbance arose. The constable however having given notice of it to a comprador, induced the multitude to disperse.

On the 15th (8th July) about 5 o'clock some foreigners quarrelled with a man that sold plums at the entrance of the Tsingyuen-street. Compton observed this from his house, came down, pursued the man with his whip, and beat him most cruelly. The bystanders would not allow this, and an altercation ensued. Compton then collared a man, whom he took into the house of Changho, bound and beat him. The Chinese did not remain quiet, and thus arose a strife at the bottom of the buildings; and this was the origin of the affray.

The English in the meanwhile came armed in large numbers and returned the blows, whilst the Chinese apprehending murder immediately dispersed. The English however took their fire-arms, divided themselves in parties, and pursued them. By this time Consul Macgregor commanded them not to act rashly, and without his orders not to fire. Still the English would not yield to this restraint, but discharging their muskets, killed three men and wounded six. The places where this loss of life occurred are at the entrance of Sicking-street, and at the end of the Tsingyuen and Sungwan streets, and not at the bottom of the Changho establishment.

The killed were, according to the examination of the magistrate, the following: Hwang-a-woo, a native of Hoshan district, who used to retail pork for the Yuenhing shop in Shih-tseih-poo lane; Le-a-lin, a native of Sanshwuy, a fruiterer by trade; Tang-ashing, a native of Kaou-yaou, and a journeyman of the tailor Lun-hop-lin. All these were tradesmen and not vagabonds. Under such circumstances we trust you the honourable Envoy will clearly perceive which party was in the right and which in the wrong, without referring to us the Great Minister and Lieutenant-Governor to decide the point.

The moment the local authorities obtained knowledge of this occurrence they assembled the military and police, and hastened thither with the utmost speed to quell without delay the disturbance. Being however at a distance of above ten le, they were unable to be on the spot in a moment. The twofold affray created by Compton was at the entrance of a street, and not as mentioned in your letter in the arena before the foreign factories.

The excitement of the people is at present by no means yet allayed, and the relations of the deceased insist upon retribution, so that another outbreak is to be feared. We therefore hope that you the honourable Envoy will manage this matter in accordance with the provisions of the Treaty, in order to show impartiality and quiet the minds of the multitude. Thus the local officers will perhaps be able in future to put down the

populace if a similar occurrence takes place ; and this will be of advantage to both parties, and of the utmost importance.

Regarding the use of for the characters alluded to in your despatch as being not in accordance with the provisions of the Treaty, we find that the two characters and have the same sound (cha), and are therefore used promiscuously for each other. In the Chinese official letters as well as are used or written for one another from times immemorial, just as if they were the same, without drawing a distinction between high or low. Though no deviation from the Treaty does thus take place, still we have given orders to the clerks to use always in future the character because you the honourable Envoy consider the former improper.

Whilst forwarding this reply we wish you the most abundant happiness, and address the same to

His Excellency Her Britannic Majesty's Plenipotentiary Sir John Francis Davis, Bart, &c., &c. &c.

Taoukwang, 26th year, 6th month, 18th day, (9th August, 1846.)
Received 13th instant.

Inclosure 2 in No. 8.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, August 14, 1846.

I YESTERDAY received a note from your Excellency concerning the late riot at Canton. Being about to send despatches in a steamer to Consul Macgregor, I hasten to reply. Having directed Consul Macgregor to institute a rigid investigation into the causes of the disturbance, I find that the circumstances differ greatly from those stated by your Excellency. It has been wrongly asserted that Compton was intoxicated, whereas all the witnesses declare he was perfectly sober and that he is not accustomed to be intoxicated. Moreover he did not assault any military officer, but merely called on him to quell the disturbance when he neglected to do so.

A Chinese having thrown a large stone at Compton was seized and carried into Mingqua's hong, in order that he might be delivered to the mandarins. This man however escaped and instigated the vagabonds in the crowd to attack the foreign residences. Notice was immediately sent to the English and American authorities, who applied for Chinese police and soldiers to disperse the assailants. But as these did not arrive, it was evident that all the foreign factories would soon be pillaged and burnt, as in the year 1842. Therefore the English Consul and the American officer Parker assembled the English and Americans, who combined and armed themselves for the protection of their lives and properties. The foreigners were savagely attacked with showers of stones, and did not fire until several of them had been wounded. This in fact constitutes necessary self-defence against plunderers and incendiaries, and cannot be construed into the crime of murder.

I herewith send the translation of a very correct account of the riot and attack on the factories, published by some Americans. Your Excellency will perceive their account of the transaction agrees exactly with the English account.

Since no assistance arrived for three hours from the commencement of the disturbance, all the foreigners were obliged to combine for their mutual defence. Your Excellency says the distance was ten le. But surely ten le can be traversed in less than one hour—why should three hours be required?

The foreigners, not being assisted by the Government, have now organized themselves into armed bands of some hundreds for mutual defence. If your Excellency had carried out the Regulations agreed upon in July 1844, this would have been prevented.

The people of Canton have excluded foreigners from the city, and

these regarding the popular feeling, have for a time consented to forego their rights. But shall thieves and incendiaries also come and attack them in their own residences, and shall foreigners, not being protected by the Government, fail to protect themselves?

If your Excellency listens to false statements of the case it will only increase the difficulties. Let Chinese and foreign officers jointly investigate the facts and confront the parties. It would be well if some of the thieves also could be apprehended and punished. Let the Regulations of July 1844 be also carried out, in order to prevent attacks on the foreign residences.

I beg to renew to your Excellency the assurances of my distinguished consideration.

(Signed) J. F. DAVIS.

Inclosure 3 in No. 8.

Extract from "the Chinese Repository."

Notices of the Riot in Canton, which occurred on the evening of July 8, 1846.

ABOUT sunset Wednesday July 8th, a scene of disorder opened just without Old China-street, near the corner and in front of what has been known as Minqua's hong. Within half an hour it had assumed a very serious aspect; showers of stones and brickbats were hurled against the house of a resident gentleman occupying the front rooms of Minqua's hong, and scores of vagabonds were demolishing the fence and gates before the same, shouting and yelling like so many demons. The noise of the rioters spread rapidly, every moment drawing together larger numbers, and very soon an indiscriminate attack was made on all foreigners within reach of the mob, stones being furiously thrown at them and against the windows of the American factory. Of these proceedings the Chinese police on the spot, belonging to the station at the entrance of Old China-street, were idle spectators, making no attempt to seize or interfere with the rioters.

Before 7 o'clock, H. B. M.'s Consul, Francis C. Macgregor, Esq., had dispatched messengers to the Chinese authorities, requesting the assistance requisite for protection from violence and depredation of the rioters. A similar request to the Governor and to the local magistrates was shortly after repeated by the American Chargé d'Affaires, the Hon. Peter Parker.

Shat fán kwei, tá fan kwei, "kill the foreign devils," "beat the foreign devils," rang and re-echoed through all the streets in the vicinity of the foreign factories. Hundreds of the basest of men were already collected, and many hundreds more were hastening to the scene of riot.

It was now past 8 o'clock, and the action of the mob was every moment becoming more violent and more extensive. The gates and outer wall of Minqua's hong had been demolished; one of the walls of the cook-house battered down; some of the iron-barred and stone-cased windows of the house dug out of the solid wall, against which a heavy battering-ram was being plied with great fury. It was impossible to mistake the intentions of the mob. Unless force were interposed immediately, it was evident the scenes of 1842—when the British factories were sacked and burnt—were to be repeated. Indeed two attempts had been already made to set the house on fire. Moreover an officer of the Chinese Government with his attendants, having come to the scene, had been driven back.

Under these circumstances the only alternative for foreigners was, either to see their factories pillaged and burnt and themselves pelted and chased into the river, or to step forward and disperse the rioters by such means as they chanced to have at command. They had assembled in considerable numbers in front of the factories and in the American garden, most of them prepared for the exigencies of the occasion. The peril of life and property was now such that any longer delay was deemed

unjustifiable. No succour was at hand from the authorities, and it was impossible to tell when troops would arrive, or what they would effect if they came, they recently having been found unable or unwilling to defend from the mob the domicile and offices of one of their own functionaries, the Prefect of Canton. The rioters were making every possible effort to get the buildings on fire. The danger was most imminent. Self-defence and self-preservation required immediate action.

The gates leading to the scene of riot, from the front of the factories, were at length opened, while the missiles were flying and the mob shouting and exulting more than ever. The foreigners moved in a mass against the crowd, and that part of it which was on the south retreated precipitately from before Minqua's, the French and Spanish hong's and then down the southern Danish, a squad falling off into New China-street, and a few stragglers skulking down towards the river in Old China-street. A party close by the police station near the gates of Old China-street was more determined. Twice or thrice the villains rallied and were nothing daunted, but rather emboldened by the repeated warning from the foreigners. Two or three of their number fell before the mob gave way. Nearly at the same moment the gang that had been driven down the street of the Danish hong, returned to renew the attack, and their leader paid dearly for his temerity.

The foreigners were now masters of the entire space from the police station at the entrance of Old China-street to the entrance of the Danish hong, and thus had free communication from one extreme of their factories to the other.

Soon after nine o'clock the Chinese authorities with troops came to the assistance of those who, till then, had been left to shift for themselves. By degrees the troops extended their lines over the ground already occupied, through the Old and New China-streets, Hog-lane, the Thirteen-factory-street, or that immediately in the rear of the factories, Lwánhing-street, or that on the west of the Danish hong, making the Hall of the Hong merchants, the Consoo House, their head-quarters; and before midnight, with permission from the proper quarter, about 200 of the Chinese soldiers were marched into the American garden.

We were spectators of only a part of these proceedings, having been on the opposite side of the river, in Honám, when the riot began; but on the authority of many who were eye-witnesses, we are able to give what we believe to be a correct account of the principal acts which occurred during this trying scene.

In consequence of there having been frequent and serious disturbances in Canton, occasioned by the intrusion of vagabonds, the Chinese Government agreed, on the ratification of the Treaty of Wánghíá, July 1844, to keep all idlers and vagrants away from the vicinity of the factories. As that agreement has an important bearing on the present case, we here introduce the document entire, borrowing it from papers sent by Mr. Cushing to his Government, and transmitted by the President of the United States to the Senate, during the second session of the twenty-eighth Congress.

The following are the Articles which have been deliberated upon and settled:—

"1. The citizens' shops in the vicinity of the thirteen factories being densely crowded together, there is great liability to the calamity of fire, and we must in anticipation guard against it. Hereafter it is permitted to the merchants and citizens of foreign nations to erect walls on the foundation of their own premises, forty cubits high, and from one cubit and a half to two cubits thick; all the additional expense of building, labour, and materials to be defrayed by the occupants of the factories.

"2. From the head of Sintau Lán (Green Pea-street) on the east, and from the entrance of Tsing-yuen Kái (Old China-street) on the west, to the river, the old wooden fence shall be changed, and a strong wall erected, either of stone or brick, the expense thereof to be defrayed by the foreign merchants. This is granted to avoid the Chinese, in passing and repassing, looking through the fence, causing disturbances and quarrels.

"3. In the three streets, Tung-wan Kái, (New China-street,) Tsing-yuen Kái (Old China-street), and Sintau-lan, on the north, and on the rear of the factories, it is also permitted the foreign occupants thereof to erect high walls, and at the north and south ends of these streets to make strong doors of wood, covered with sheet iron.

"4. Chinese and foreigners being mixed up together, it is easy for trouble to arise; hereafter therefore at the six gates of the three streets, it is right to establish a military station and posts for sentries, who shall constantly dwell there and keep guard. Men bearing things about upon their shoulders to traffic with (pedlars), are not permitted in front and on the right and left of the factories, to expose for sale melons, fruit, cakes, &c., and likewise all quacks, fortune-tellers, beggars and showmen, and all idlers, and the like are not permitted to pass and repass in front, and on the right and left of the factories, obstructing the way and collecting a crowd of idlers. Whoever violates this (regulation) shall be searched out and pursued to the utmost. In the event of any quarrel, or of the calamity of fire, these six gates shall be immediately shut and locked, and the idlers shall not be permitted to look through; and should any bandits insist on violently entering, and wrangle with the guards and soldiers, the bandits shall be rigorously seized and punished to the utmost. If the soldiers and guards are remiss in expelling them, they shall be severely punished.

"5. At the official stations at the head of Tsing-yuen Kái (Old China street), a clever and able military officer shall be appointed, who shall constantly have command, with soldiers and guards attached to him, who shall reside there to keep watch. Should any wrangling or trifling disturbance occur, it shall be warded off by the said military officer in charge of the place; but in the event of a riot, the said mandarin shall petition the high officers of Government to lead out policemen and soldiers in great numbers, and proceed to make investigation, and so to manage as to preserve peace.

"6. Henceforth the street in front of the factories is not to be a thoroughfare, and the gates at both ends, by order of the Consul may be closed at sunset, and also upon the Sabbath, in order that there may be no confusion.

"7. If any of the shops in the neighbourhood of the thirteen factories clandestinely sell ardent spirits to foreigners to drink, on being found out, the said shops shall be closed, and the proprietors thereof shall be seized and punished.

"8. It is not permitted to throw out and accumulate filth at the head of the streets. This has long been publicly prohibited, it being required that all in front and rear of the hong, and at the head of the streets, should be kept pure and clean. Whoever shall throw out and accumulate filth there, shall on being found out be sent to the officers of Government to be tried and punished.

"9. The foregoing regulations shall be stereotyped and printed, and delivered over to the military officers, to be posted up at the head of each street, that all may clearly understand.

July 12, 1844.

(Signed)

HWANG NGANTUNG.
PETER PARKER."

It is obvious to remark here, that the late riot could never have occurred if the foregoing regulations had been kept; and that they have not been is not the fault of the foreign residents. Application to enforce them has been repeatedly and officially made to the Imperial Commissioner. He has received the application and acknowledged the propriety of keeping the regulations. "This is on record." Nevertheless for many months past the streets adjacent the factories have been thronged with all manner of hucksters—an intolerable nuisance. Often they have been literally blocked up and rendered quite impassable to any and to all, who were not prepared to elbow their way amidst barbers, butchers, portable cookshops, fruit-stalls, cat-sellers and denuded and indescribable riff-raff, such as could be congregated only in a half-civilized and pagan nation.

On the afternoon of the 8th, the crowd of this sort in front of Old

China-street, one of those places the Chinese authorities had pledged themselves to keep clear, was unusually dense, when an English gentleman, having occasion to pass that way and finding the street filled with idlers, pushed one of them aside. Whereupon the man turned and struck him on the back with his fist. This the gentleman returned with his stick. Then came a shower of granite; and the man who had struck the first blow, took up a large stone and advancing threw it at the Englishman's head, who dodged it and then sprang and caught him, and with the assistance of two or three foreigners took him into Minqua's hong, amidst volleys of stones and brickbats. Thus the disturbance began.

The Chinese, who struck the English gentleman with his fist, and was taken into the hong, soon effected his escape, and has not, that we are aware of, been heard of since; the reason for securing him at the moment was that he might be delivered over to the proper authorities for trial.

It must be left to the reader and to those whom it may concern, to ascertain, if it be possible, the reasons and the motives that led on the rioters to such lawless and violent acts as those detailed in the first part of this article. Who they were we do not know. Their conduct affords sufficient evidence regarding their character. During the whole of the riot—after having seen what was going on in front of Minqua's, when we came in from the river a little before 8 o'clock—having been in constant communication with the Chinese people residing near the factories, we know that their solicitude, though only their property was in jeopardy, was scarcely less than that of foreigners. At half-past 8 o'clock their gong beat, and the inhabitants of the six streets adjacent to the foreign residences assembled in their council-house, and adopted measures to meet the exigencies of the occasion. They resolved to shut up and barricade, and put themselves instantly on the defensive in the best manner each could find means to effect, and all to keep in-doors excepting two, who were to take their stand in the street, each close by their own doors. All the old spears and swords and everything of the sort in the neighbourhood were put in requisition. A few of them attempted to remove their property, but the streets were thronged with such desperadoes as to render this measure worse than useless. It was throwing out bait to the furies, and putting prey in the paw of the monster. We might say "legion," and the reference to sacred and to ancient history would be most apposite, for the rioters were not less numerically than the Roman legion, nor less boisterous than the tenant of the tombs in the country of the Gadarenes.

The character of the mob was of the very worst kind. That of 1839 was more numerous, but far less desperate. A small party were shut up in New China-street, the shopmen having barricaded the north gate, and the foreigners taken possession of the south. They became perfectly frantic; howling and yelling they ran up and down the street, not daring to rush on the lead and the steel at one end, and unable to force an exit at the other. In the long street in the rear of the factories we had a good opportunity, while unnoticed by the mob, of seeing what it was composed of, and for hours of observing its action. The street was glutted, and every now and then small recruiting parties, screaming and clapping their hands, would shoot off like a fire-brand, and forcing their way far into the suburbs, try to excite more tumult and augment their forces. But in the good providence of God, this excess of madness produced reaction. The denseness of the mob, hemmed in as it was, rendered it less formidable. The consternation it had excited in all the neighbourhood now took hold of the evil-doers themselves.

At 10 o'clock, pursuant to a call from the American Consul, P. S. Forbes, Esq., a meeting of the Americans in Canton was held at the Consulate, to deliberate on ways and means for the protection of their lives and property. The meeting however was so much disturbed by reports of the dangerous movements of the mob, that very little was accomplished besides resolving to form themselves into two divisions for keeping watch and guard during the night. This was accordingly done. Indeed every

one was on the watch, and very few remained off their guard or unprepared for defence. Soon after midnight the mob began to disperse from the back streets in the vicinity of the factories, and by 2 o'clock on Thursday morning, the 9th, perfect order and quiet were restored so far as the rioters were concerned. Many however of both foreigners and Chinese feared the storm would soon be renewed with increased numbers and fresh violence; consequently a good deal of excitement was kept up by the packing and removing of books, treasure, &c.

At daylight the following proclamation from Hwang appeared on the walls in front of the hong merchants' hall, written in large characters, and bearing date of the preceding day:

"Hwang, Vice-President of the Board of War, member of the censorate, Governor of the Province of Canton, Director of the Military and Controller of the Commissariat, issues this proclamation.

"I have just now unexpectedly heard that the Chinese residing near the thirteen factories have had a quarrel with the foreigners; and it devolves on me, the Governor, to ascertain who are right and who are wrong, and to act in strict accordance with the principles of justice.

"If the foreigners are wrong, it will be necessary inflexibly to support the cause of the Chinese. But you must not assemble in multitudes to excite trouble which may lead to punishment. Tremblingly obey. A special proclamation.

"Instructive commands to be pasted up at the thirteen factories. Given in the 26th year of T'áoukwáng, 5th month, 15th day (July 8th, 1846)."

The Chinese superior authorities must have felt no inconsiderable concern for the issue of the riot, knowing as they did the desperate character of the rabble bands, and aware also that they would be held responsible for these acts of violence and depredation. Several of them are said to have come out of the city during the night, with, in all, about 1000 troops.

In course of the morning boats from His Danish Majesty's frigate "Galatea," with marines, and other boats from the foreign shipping at Whampoa, reached Canton. During the day meetings were held and committees appointed, all having reference to the safety of the community.

On the 11th and 12th the two following documents from the local magistrate were made public:

"Shí, the acting Magistrate of the District of Nanhai, &c., &c., issues these explicit and urgent commands.

"On the 8th instant a wrangling quarrel broke out between the English and the Chinese, and it proceeded to such a degree that three of our people were killed and six wounded. Though the English were certainly in the wrong, yet it is my duty, as magistrate, with a view to prevent lawless men from plundering the houses and shops of our people, to lead out the troops for the suppression of disorder and for the protection and defence of the place.

"The bodies of the dead and of the wounded have been examined and the several cases duly reported to the superior authorities; and a despatch has been received from the said authorities, instructing the English Consular officers to search out the murderers and punish them according to the laws.

"We, the officers of the Chinese, are to our people what parents are to children. If you are wronged and injured, the exercise of justice (in your behalf) shall not be withheld. But there is reason to fear lest some of you, seeking to vindicate your cause, may again by your wrangling assemble the multitude and excite quarrelling, so that those who were in the right will find themselves among those who are in the wrong.

"Moreover, should the mob once assemble, it will be difficult to prevent vagabonds from improving such an occasion to commit acts of depredation and violence; and the calamities may extend to your own shops and dwellings. Then it will be difficult to discern between the good

and the bad; and should you be once seized you may be stricken by that just indignation which is due to the vagabonds. Crimes ought to be redressed, for, alas, they are not without cause. How much to be deplored would it be, should any of our good and quiet people, by giving momentary vent to anger and currency to rumours, involve themselves with the vagabonds and then be left to suffer as being alike guilty with them!

"Right it is, therefore, to issue these commands. Understand, ye people of every class, that it behoves you to await the examination and decision of their Excellencies the high officers regarding all that has transpired. Each one must keep quiet in his own sphere and attend to his own affairs. Do not on any account renew the wrangling, and so create new disorders, that may lead to grave consequences.

"I, the Magistrate, in preserving the local peace, and with a view to the protection of your persons and property, have again and again instructed and admonished you, and you ought to look up and regard the feelings of my heart, yielding obedience without opposition. Canton, July 11th, 1846."

"Shi, the acting Magistrate of the District of Nanhai, &c. &c., issues these commands.

"Regarding the three persons who were killed and the six who were wounded on the 8th, in the quarrel with the English, it behoves you to await the action of their Excellencies the superior officers, who have instructed the English Consular officers to proceed according to the provisions of the Treaty.

"It is rumoured that there are vagabonds who love confusion and disorder, and who under the pretence of recompensing (the wrong) wish to assemble the mob and renew the quarrel. This cannot be allowed. For should the mob once assemble, there will doubtless be in it lawless men, who will improve the occasion to plunder and rob, and the damage will come even to your own houses and shops, as it did on the night of the 8th, when the bandits in the midst of the quarrel attempted to plunder Tung-mau's establishment. Under these circumstances, had the civil and military officers not led out and directed the police and soldiery, and instantly suppressed the riots and dispersed the mob, the damage would have been indescribable.

"Most right it is, therefore, to issue this proclamation, which it behoves you fully to understand. You who are men of business, engaged in lawful pursuits, can clearly comprehend what is reasonable. Be not deceived by vain words. From each of your establishments let one or two able bodied men be appointed to unite their strength and act on the defensive. If the vagabonds renew the quarrel, instantly band together with the police and soldiery and seize the disturbers of the peace for self-protection. Be careful not to get entangled with the evil-doers so as to suffer with them. A special and very urgent proclamation.

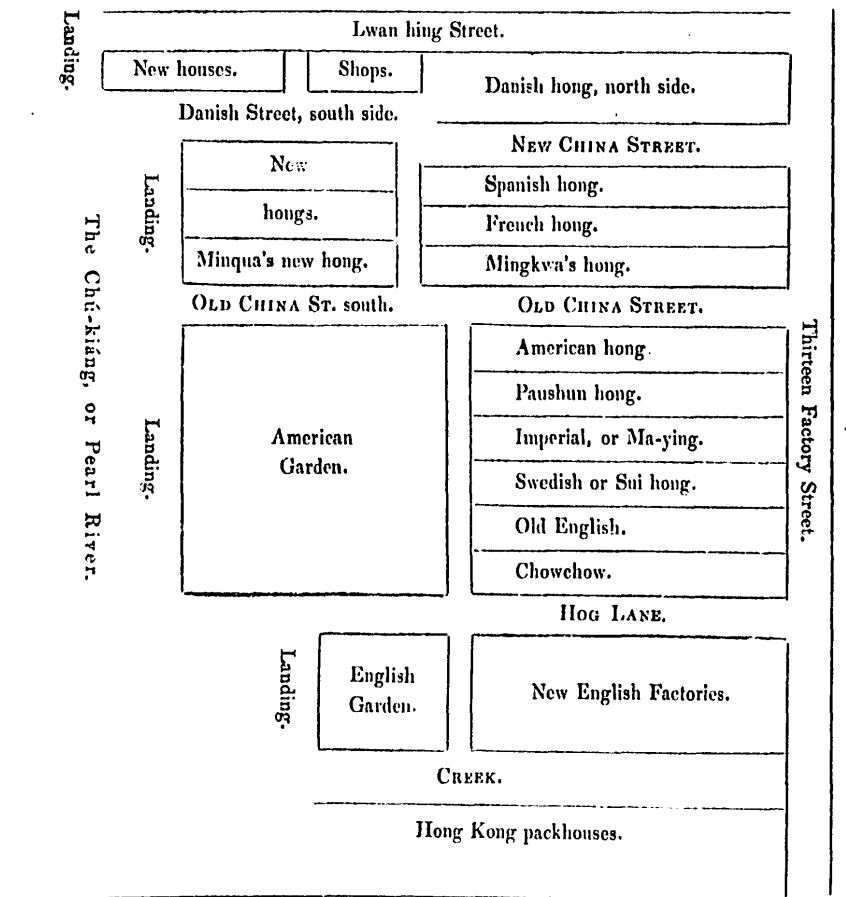
"Canton, July 12th, 1846. Let these instructive commands be pasted up in front of the hong merchants' hall."

P.S.—Up to this day (July 23d) there are no new indications of insubordination. His Excellency Kíying returned from his military tour through the eastern departments of this province on the evening of the 17th. Some communications relating to the riot have passed between the Chinese authorities and the British Consulate, but of what tenor we do not know. The only documents made public are, the proclamations given above, which have been well received by the Chinese. The inhabitants of the six streets, who met in council on the evening of the 8th, issued a public notice early the next morning, exculpating themselves from any share in the riot, and declaring that they did only what was necessary, for self-defence. The "Tungmau establishment," named in the Magistrate's proclamation of the 12th, was a small banking-house situated in the Thirteen-factory-street, in the rear of Minqua's hong, near the Consou-house. The only placard we have noticed was a silly and wicked one, pasted up on the morning of the 13th directly over the Magis-

trate's proclamation issued the preceding day. It reviles the magistracy, and cries out for the slaughter of "the savage barbarians." The rabble, so it is reported, have made appeals to the gentry, and through "the friends of the sufferers," to the authorities, and as yet without gaining any sympathy or assistance. However we wait with some anxiety for the sequel, to see how the whole matter will be closed. Their Excellencies Kíying and Hwáng have the means of ascertaining "who are in the right and who are in the wrong," and we expect, and all the nations here represented expect, that "the principles of justice will be maintained." The case is a grave one. Blood has been shed; human lives have been lost; and impartial investigation ought to be made. The public executioner is not a murderer, nor is he who defends himself against the violent assault of incendiaries, however dire be the calamity that may recoil upon their own heads.

The Thirteen Factories.

Western Suburbs.



The diagram will afford those who have not visited Canton some idea of the position and plan of the "Thirteen Factories," *Shih sám hang* (or *Shap sám hong*). By a reference to the 14th volume of the Repository, the manner of numbering them, so as to make out "thirteen," will be seen. The two gardens form "part and parcel" of the premises assigned to and occupied by foreigners, and though very small, are their only safe promenades, no house having one of its own. The creek, on the east of the factories, separates them from several of the large pack or warehouses of the old hong merchants, in one of which is the British Consulate, and runs north parallel with the western wall of the city. The Thirteen-factory-street, running east and west on the north of the factories, is a

great thoroughfare: eastward, after passing over the creek, it leads on to Carpenter's-square, to the British Consulate, and to the city gates and the imperial landing place in front of the city. There are two small custom-house stations within the lines of the factories, one at the mouth of the creek and one at the end of Hog-lane, on the corner of the American Garden; also three police stations; one in Hog-lane, near the landing-place; one in Old China-street, near the American factory; and one in the Danish-street, or *Teh-hing kái*, south side, near the landing place. Beyond Lwán-hing-street and the Thirteen-factory-street on the west and north, for miles are densely-populated suburbs. On the west side of Hog-lane and on both sides of Old and New China-streets are lines of Chinese shops. The north ends of several of the factories (indeed of all excepting the New English) are also occupied by Chinese shops, the foreigners however having narrow passages through them into the street. The Consol House is situated on the north side of the Thirteen-factory-street at the head of Old China-street. The principal scene of the riot was in old China-street, and in front of Minqua's hong.

Inclosure 4 in No. 8.

Sir John Davis to Consul Macgregor.

Sir,

Victoria, Hong Kong, August 14, 1846.

I HAVE attentively perused the statements and depositions concerning the origin of the late disturbances at Canton, conveyed in your despatch received yesterday. As it appears from Mr. Compton's own statement that he kicked down the stall of a Chinese vendor for no other reason than because the man stood in his way, it must be admitted that such violent conduct was unjustifiable and eminently calculated to create a disturbance.

It would have been and might still be a proper check upon the conduct of British subjects, if you had levied, or were to levy upon Mr. Compton the full fine warranted by your Consular powers on such an occasion, and in no other way can the Chinese be satisfied that all is done on the part of the British Government that justice requires for the control of its subjects at Canton.

For the satisfaction of those persons whose relatives fell victims to the late riots, I can see no measure available under the circumstances, except a sum of money from the mercantile community in alleviation of their loss. Such a measure would have the effect (if adopted at the right time) of calming the irritation of the populace.

I have, &c.
(Signed) J. F. DAVIS.

No. 9.

Sir John Davis to the Earl of Aberdeen.—(Received October 26.)

My Lord,

Victoria, Hong Kong, August 27, 1846.

I HAVE the satisfaction to state that up to the latest period I have continued to receive from Mr. Macgregor reports of the continuance of complete tranquillity at Canton. Thus, although I deemed it right to be prepared for the worst, seven weeks have elapsed without any renewal of troubles. Though the death of the three Chinese is to be lamented in the abstract, I cannot help thinking (from the experience of the previous American case in 1844) that the example will tend to deter the thieves and vagabonds of which the Canton mobs are composed, from their predatory speculations, by showing them that the foreigners can defend their own property, and that there is more risk to themselves than they anticipated.

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The Chinese shopkeepers in the neighbourhood have fortunately become alive to the danger of their own dwellings, and there is a general sense of the necessity of strong and effective measures for the maintenance of the public peace.

On the 25th instant I received inclosure No. 1 from Keying, proposing, in reply to my previous suggestion of a conjoint investigation, that some person should be detached from Hong Kong. This however appeared to be a most unnecessary slur upon Mr. Macgregor, whose proper business it is, as accredited Consul on the spot, to communicate on any subjects with the Local Government. It will further be observed that all allusion to American participation is evaded by Keying.

I accordingly replied by inclosure 2, stating that the British Consul would carry on any conjoint investigation that might be necessary, but he could take no cognizance of the acts of Americans. I further proposed the terms on which the discussions might be amicably arranged, by the punishment of the Chinese officer whose duty it was to prevent the riot; by the fining of Mr. Compton for his violent conduct at the outset; and by a pecuniary compensation from the merchants engaged to the relations of those persons who were accidentally killed. But above all I insisted on the necessity of preventive measures for the future, by the enforcement of the rules agreed upon in July 1844.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 9.

Commissioner Keying to Sir John Davis.

KEYING, High Imperial Commissioner, &c., sends the following reply to a despatch of the honourable Envoy, respecting the events of the 8th July. In this it is stated that the result of our investigation differs very much from the representation made by Consul Macgregor. It is therefore requested that the respective witnesses be confronted, and an investigation be instituted in conjunction with the Chinese officers. This paper covered a relation of the events, which I the great Minister have perused.

I have repeatedly given orders to investigate the causes of this disturbance. As however the details are at variance with the statement made by Consul Macgregor, it is my duty to appoint an officer for examining conjointly into this affair, that the truth may be elicited. This is also in conformity with the regulations of the Treaty, according to which Chinese mandarins are requested to carry on an investigation conjointly and publicly.

I the great Minister have therefore already nominated a functionary for this purpose, and am now only waiting for the arrival of your officer at Canton, who is for that purpose appointed by you the honourable Envoy to manage this affair unitedly.

Whilst wishing you glory and happiness I address this answer

To his Excellency Her Britannic Majesty's Plenipotentiary, Sir John F. Davis, Bart., &c.

Taoukwang, 26th year, 7th month, 2nd day, (23rd August, 1846.)
Received 25th.

Inclosure 2 in No. 9.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, August 26, 1846.

I HAD the honour to receive your Excellency's note of the 7th month. 2nd day, proposing that I should send up an officer for the investigation of the matters connected with the late riots.

My opinion is, that as Consul Macgregor is expressly appointed at Canton for all the national affairs of his Government, it will be most in conformity with the Treaty that he should be the person to communicate with the Chinese officers in the investigation of this business. But as Americans were also concerned, I must inform your Excellency that the British Consul cannot interfere regarding them. They are exclusively under the control of their own authorities.

It appears to myself that the proper and equitable mode of arrangement would be as follows :—The Chinese officer who failed to prevent the riot ought to be punished; Compton ought to be fined for throwing down the fruit-seller's stall in the first instance; the relations of the three persons killed ought to receive a pecuniary and compassionate compensation from all the foreign merchants at Canton. Since the foreigners merely defended their persons and property from robbers, in consequence of no succour arriving from the Chinese authorities, I really conceive that the above is the only mode of settling this unfortunate business. Had a Chinese force arrived in time to prevent the attack on the foreign factories, the English and Americans would not have been obliged to fight in their defence.

But the most desirable point is to enforce the Regulations of July 1844. It is better to prevent an evil than to provide a remedy after it has arrived. Those regulations if faithfully executed will put a stop to the assemblage of idle vagabonds and robbers, who are always ready near the factories for any scene of violence and plunder.

I renew, &c.

(Signed) J. F. DAVIS.

No. 10.

Sir John Davis to the Earl of Aberdeen.—(Received November 28.)

My Lord,

Victoria, Hong Kong, September 11, 1846.

WITH reference to my despatch of 27th August, my last report on the same subject, I have the honour to inclose further correspondence with Keying concerning the Canton riot.

On the 9th instant I received the inclosed note from the Chinese Minister, being a mere repetition of former statements utterly at variance with the facts which are notorious to every foreign resident at Canton. The two circumstances which (as I before stated) throw the blame of the late outbreak on the Local Government, are,—first, the non-fulfilment of the arrangement which followed the American riot in 1844; and, secondly, the want of any assistance from the civil authorities for three hours, until the incendiaries had been repulsed by the union of the foreign residents themselves.

Keying (with that slight importance which Asiatics attach to the charge) unceremoniously throws on Mr. Macgregor the imputation of having made a false report. In my reply (inclosure 2) I rebut this in terms of decorous moderation, and prove that the real account of the transaction is the one universally and consistently given by all the foreign residents. I repeat my opinion that Mr. Compton ought to be fined for his misdemeanour, and the relatives of the innocent sufferers in the riot relieved, but at the same time call on the Chinese Government to do its own duty by its people, as the only effectual means of preventing the like or even worse occurrences.

Mr. Macgregor has repeated to me the assurance that the lapse of more than two months appears to have removed the feelings of irritation. In my despatch to him (Inclosure 3) I have referred to my previous animadversions regarding the case of Mr. Compton, and called his attention to the propriety of still fining that merchant for his misdemeanour.

I have, &c.

(Signed) J. F. DAVIS.

Inclosure 1 in No. 10.

Commissioner Keying and the Governor of Kwangtung to Sir John Davis.

(Translation.)

KEYING, High Imperial Commissioner, &c., Hwang, Lieutenant-Governor of Kwangtung, &c., send a reply to a despatch of you the honourable Envoy, respecting the riot that occurred on the 8th July, with which they have made themselves fully acquainted.

[Here follows a short extract of the above paper.]

You the honourable Envoy appear to throw the guilt upon the tardiness of the Chinese local officers in suppressing the riot, to exculpate the foreigners from the crime of having caused the loss of life by the discharge of their fire-arms. The military and civil authorities live at a distance of more than ten le from the bottom of Changho hong. They received no information at the commencement of the disturbance, and when the news reached them they had first to assemble the military and police forces, and only then they would be able to proceed for quelling it. The soldiers, however, are quartered at various stations at a considerable distance from each other, and could not be assembled in one moment. This however was done when scarcely a few quarters of an hour had elapsed: and should this be considered delay? When that night the report arrived, Yu the Commandant immediately led forth 400 soldiers, whilst She the Nanhac Magistrate promptly hastened thither with above 100 policemen. At that time many Chinese had already lost their lives by the hands of the foreigners, whilst an equal number had been wounded. The Chinese citizens not only did not withdraw, but drew together in larger crowds, requesting our local officers immediately to hold a coroner's inquest, and procure redress. It was a dark night and the throng very dense. Had the Nanhac Magistrate instantly gone to hold an inquest on the wounded, serious apprehensions might have been entertained that the mischief-makers would have availed themselves of this opportunity to plot the ruin and effect the injury on the foreigners and those in their factories. He therefore did not consent to an immediate inquest. Hence the ill-will of the Chinese was transferred to the local officers; they showed themselves obstinate and unyielding, and pressed on them in still larger crowds.

As soon as I the Lieutenant-Governor received this report, I despatched the Prefect Lew thither, who took with him King, the officer in command of his troops, with 300 men, hastening to put down the riot.

When it came to the ears of Yen the Judge, and Chao the Grain Inspector, they left the city in person to give directions to the Prefect and Magistrate, and to order the shopkeepers and inhabitants in the neighbourhood to give their assistance in affording protection. I the Lieutenant-Governor moreover issued a proclamation to the Chinese citizens, who then commenced to disperse. As it was however to be feared that after having retired they would re-assemble, I the Lieutenant Governor appointed military officers and civilians, who with their soldiers were for many days together day and night on the alert and constantly at their post.

I the great Minister left on my return above 100 men of the military, who have up to this date not yet been recalled. It may therefore be safely affirmed that the Chinese mandarins in this instance amidst the tumult left nothing undone what their strength could effect, in order to secure protection. Consul Macgregor was an eye-witness of the whole, but did not send a true report to you the honourable Envoy, and thus induced the request to punish the negligent Chinese mandarins, which would indeed be repaying kindness with vengeance.

If Compton had not yielded to malevolent arrogance, giving rise to this disturbance, and rousing the indignation of the multitude, foreigners and natives would have remained quiet, and the putting down of the riot by the mandarins not have been required. It would therefore be unjust not to charge Compton as the author of the disturbance, and solely throw

the blame upon the local military and civil authorities. The value of the chattel belonging to the fruiterer, which Compton smashed to pieces, is small, and whether he is fined or not need not be much discussed. But Compton collared arbitrarily some Chinese, bound and beat him, and thus occasioned the disturbance; a proceeding which cannot be so very easily overlooked.

The laws of our two respective countries are in a reasonable point of view the same. If a Chinese merchant, when quarrelling about a trifle, instantly used force and bound and beat an Englishman, would you the honourable Envoy consider this right or wrong, or would the merchants of your honourable country brook this?

The eyes of all beheld Compton as the author of the riot; he himself acknowledged to be such. Let therefore the right or wrong, the justice or injustice of this one point be settled, and we need not to dwell with many words upon the reasonableness or unreasonableness of the subsequent use of fire-arms to the destruction of life and the infliction of wounds, for it is self-evident and easily to be understood.

We therefore request you the honourable Envoy maturely to consider this affair with impartiality and come to a just decision, whilst acting in conformity with the Treaty equitably.

Whilst forwarding this reply we wish you much happiness, and address the same

To his Excellency Her Britannic Majesty's Plenipotentiary, Sir John Francis Davis, Bart., &c.

Taoukwang, 26th year, 7th month, 16th day. (6th September 1846.)
Received 9th instant.

Inclosure 2 in No. 10.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, September 11, 1846.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 6th instant, concerning the attack upon the foreign factories.

It is undoubtedly true that Compton in throwing down the fruiterer's stall behaved very improperly, and I have already informed Mr. Consul Macgregor that he ought to be fined, not as compensation for the small value of the things damaged, but a heavy fine in dollars as a punishment. Since innocent persons, being mixed up with the robbers, were killed, compensation should be made to their relatives. This the English and Americans wish to do.

Your Excellency says that the Consul did not send me a true report. But how is it that the evidence of two hundred English and Americans confirm every word he stated? The account I inclosed your Excellency was an American statement, and exactly agreed with the English one. All the newspapers containing these accounts are universally spread over the whole world and cannot be concealed. Why therefore did the district magistrate try to conceal the truth by stating that only English were engaged with the robbers? His Excellency Hwang truly used the word "foreigners," which was in exact accordance with the fact. Why should inferior officers be allowed to publish untruths tending to confusion? Since the robbers attacked an American factory, is it likely that the Americans would consent to be burned and pillaged? The Americans understand reason, and can distinguish the right of destroying robbers from the guilt of unlawfully killing. When therefore after three hours they saw that the district officers did not assist them, they bravely combined with the English residents and drove back the banditti who were already throwing fire into the factories to burn them.

The military officer on guard stated that Compton went into his station where he was surrounded by his soldiers and beat him. But surely a child could not believe that an unarmed man would venture to

beat an officer among his own soldiers; and even if this officer had been an aged woman he would not have submitted to it. How therefore is it possible to believe one word uttered by that officer? The truth is, that Compton went to seek that officer to quell the riot, and he, neglecting his duty, was the cause of the attack by the robbers and the loss of life. It is in vain that he attempts to shift the guilt on another.

Unless the Rules of the 12th July, 1844, are rigorously enforced, I foresee that bloody contests will every day be aggravated until the trade is removed to other ports. It cannot be the desire of the Sovereign of your honourable nation that the people, being uncontrolled, should constantly attack the foreign factories, and that numbers should be killed in bloody affrays. In 1844 the Americans shot a man, and again this year they together with the English have shot three. Is it not better to enforce the Regulations of 1844, and by preventing the attacks of robbers to avoid the destruction of human life? If the district magistrates do not control the people, the result must be general confusion.

I, Her Majesty's Plenipotentiary, wishing that the trade should still continue in its old channels at Canton, am sincerely desirous that these bloody feuds should be prevented, and therefore request your Excellency to enforce the Regulations of 1844, which were caused by the Americans shooting a Chinese in self-defence.

I take, &c.
(Signed) J. F. DAVIS.

Inclosure 3 in No. 10.

Sir John Davis to Consul Macgregor.

Sir,

Victoria, Hong Kong, September 11, 1846.

I INCLOSE you a copy of my note by this conveyance to Keying, in which you will perceive that I do not shelter or justify Mr. Compton in his real share of blame in the occurrences of the 8th July, though I object to the absurd portion of the charges against him. You will observe that I admit the propriety of that merchant being fined, as I before stated to you in my despatch of the 14th August. He ought in fact to have been fined in the first instance on his own admission of the fact, and I am persuaded that Her Majesty's Government in reviewing this serious business will be decidedly of that opinion. The ordinance authorizes your punishing misdemeanours with a fine not exceeding 200 dollars, which I fear is a very inadequate penalty to a person in Mr. Compton's circumstances.

I have repeated to Keying my opinion of the propriety of some relief to the relations of those who, being mixed up with the guilty rioters, unfortunately suffered in the affray; and I have moreover dwelt on the indispensable necessity of executing in good faith the agreement with the Americans of July 1844, concluded in consequence of the riot of that period. I do not wish the "Nemesis" to remain near Canton longer than you deem it necessary.

I have, &c.
(Signed) J. F. DAVIS.

No. 11.

Sir John Davis to Viscount Palmerston.—(Received November 28.)

My Lord,

Victoria, Hong Kong, September 22, 1846.

I HAVE the honour to inclose herewith a copy of a curious paper from Canton, translated from one of those placards which are so often exhibited to the turbulent population of that place. Its abuse is directed against a Mr. Peter Parker, an American, who acts as Chargé d'Affaires for the United States. It takes no account of the really valuable and

benevolent services which, in his double capacity of surgeon and missionary, he has rendered to the population, by healing their diseases and restoring many of them to sight, but holds him up to general obloquy on the ground of some alleged abuses in his official capacity.

The most remarkable feature of this paper, however, is its making (for the first time that I am aware of) respectful mention of the Governments of foreign States, and attaching importance to the continuance of peace with them. "We also presume that all the Governments of the various honourable nations will, from the general view of the case, form no partial opinion," &c. "As this" (the execution of certain threats against Mr. Parker) "would injure the peace and friendship now existing," &c.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure in No. 11.

Placard posted up at Canton.

(Translation.)

WE, the gentry, elders, and all the military and people of the whole of Kwangtung province, hereby give timely vent to the popular irritation, caused by the knavery of a barbarian, in order to avoid doing injury to the existing friendly feeling and harmony.

The extensive virtue and deep benevolence of the Great Emperor of the Celestial Empire, has of late years extended to foreign countries, so that a Commercial Treaty was concluded, which all nations implicitly observed. They therefore appointed Envoys and Consuls to Canton, in order to keep their merchants and people in check, and to preserve tranquillity; but not for the purpose of planning disturbance by means of their power or by the multitude of people at their command. We rejoiced at the repose thus restored to our native land and to foreign countries, and both parties enjoyed the blessings of peace, devoid of all turmoil.

In consequence of the above agreement, the United States appointed the Envoy Cushing and others, who behaved themselves quietly and were reverentially obedient, whilst observing the Treaty. We, imitating the noble example of condescension [given us by the Great Emperor] evinced the utmost respect towards him, of which the most conclusive proofs exist.

The said nation has now the [medical] practitioner Parker in this situation. He is a mere surgeon and oculist, and not celebrated for any other art, being ignorant of the popular feeling and pursuits. He has acted in the capacity of doctor for a few years at Canton, and knows some sentences of the native language. As the Envoy of that nation is not on the spot, he has for a short time received the management of the seal and correspondence. Seizing however instantly upon his power, and arrogating to himself authority, he shows the cunning of the fox, and aims at the terror which the tiger inspires; he gives everywhere rise to troubles, and annoys the people. He effected in the first instance by fraudulent practices the rent of the Heauchoo, Heaken, Changlo shops, and subsequently endeavoured to obtain possession of the Tsing-yuen, Tow-lan and Lien-hing streets, and occupied by mere force the hong of Pwan. We at first imagined that this was with the intention of erecting a church for preaching, and an hospital for the public benefit. Who would have thought that whilst pretending to be a public-spirited man, he sought his private advantage, and fixed his whole attention upon his own abode, in defiance of the provisions of the Treaty.

He deceived the people, brought excellent men in trouble, was insatiable in his greediness, and shameless in his proceedings. He has now by deceit brought about the taking of the dwelling of a certain Tsang at Nankwan. However, the public opinion is opposed to him, and such things will not be allowed. Though he may make many pretences, and

dares improperly to excite the higher authorities, and quote precedents, in order to prefer false accusations against us and to coerce us, yet our superiors are our parents, and will minutely point out the impropriety. We also presume that all the Governments of the various honourable nations will, from this general view of the case, take no partial opinion, and thus prove the claim to the character they have borne.

This Parker holds the seals of an Envoy, and ought in obedience to reason to observe the Treaty, and in the performance of his public duties show himself pure, in order to maintain the good name of his honourable native land. Why is it then that immediately after receiving the seals, he makes his situation a plea for acting thus detrimentally, and throwing a blot upon the character of an officer throughout the city. How can one hope that he will restrain the merchants and people [of his nation?]

Amongst us gentry and elders, a boy who is just three feet in height detests his meddling. Every one says that he stirs up strife in all quarters, and will entail misery for the future. There is some hint and intimation that he will be exterminated very soon, so that the wrath of the multitude may be anticipated, and in a moment some calamity, the consequences of his proceedings arise, and his own person incur death openly.

As this however would injure the peace and friendship now existing, we give previous notice of the nature of his crimes, and paste this up at all the streets, that it may be translated and published in the newspapers, and promulgated for the information of all nations.

As Parker is merely the temporary Chargé d'Affaires at Canton, his arbitrary proceedings on the strength of his authority will incur the censure of all nations, and he will not be able to escape this. If Parker however awakes to a sense of his previous errors, he may still expiate his errors for the future. But if he remain stupid and obstinate to the last he will find regrets unavailing in the end. Say not therefore that we did not tell you beforehand.

The above contains the expressions of the public, which will not yield to your machinations. Do not view it as an idle tale. It would be well that you should take care of your own dear self.

26th year of the Ta-tsing Emperor Taoukwang. The public announcement of the whole province issued on a lucky day.

[This copy was pasted up at the thoroughfare of Se-kwan.]

No. 12.

Sir John Davis to Viscount Palmerston.—(Received November 28.)

My Lord,

Victoria, Hong Kong, September 23, 1846.

WITH reference to my despatch of the 11th instant to Lord Aberdeen's address, I have the honour to report the state of affairs at Canton to the latest date.

I received the inclosed despatch of the 17th instant from Mr. Consul Macgregor, commenting on an abusive and inflammatory placard, of which a translation is herewith forwarded. This is one of those appeals to the bad passions of the multitude so frequent at Canton; and though I am not disposed to attach a great deal of importance to it, Mr. Macgregor was right in at once bringing it to the notice of the local authorities.

The one thing needful however is the enforcement of those regulations on the part of the Government which they engaged to carry out in July 1844, but which have been entirely neglected from that time to this. I accordingly on the 19th instant addressed the inclosed note to Keying.

I call to his recollection that the riot of 1844, in which the Americans shot a Chinese, led to an agreement concerning certain regulations of a preventive nature which were to be established and maintained by the Local Government, but which regulations have been altogether lost sight of, leaving the neighbourhood of the factories in exactly the former state.

I then observe that foreigners have abstained from any attempt to exercise their undoubted right of entering the city, but that in spite of this forbearance they have been assailed in their own dwellings by vagabonds and incendiaries intent on pillage, and met with no sort of protection or assistance from the Government. After calling to Keying's mind that he was appointed by the Emperor for the express purpose of maintaining tranquillity, I conclude by informing him that Her Majesty's Government have been duly apprized of all the circumstances, and by conveying a solemn warning that in the event of any disasters resulting from such palpable neglect and violation of good faith he must be prepared to expect a demand for indemnification.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 12.

Consul Macgregor to Sir John Davis.

Sir,

Canton, September 17, 1846.

I HAVE the honour to transmit for your Excellency's information copy and translation of an inflammatory placard, posted up yesterday in the neighbourhood of the factories, relative to the late disturbance. Upon being made acquainted with the fact, I immediately addressed a letter to their Excellencies the Imperial Commissioner and Governor, requesting that they would adopt such prompt and efficient measures as might prevent acts of violence on the part of the populace.

In consequence of this placard, and also for the satisfaction of the community, I have ordered the steamer "Nemesis" to return to her station opposite the factories, she having been for some time anchored at the entrance of the Macao passage.

Notwithstanding my repeated remonstrances that the regulations should be strictly enforced as to the crowded state of the avenues leading to the factories, I have to observe that their present state in that respect is quite as bad as it was previous to the late disturbance.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 2 in No. 12.

Placard posted up near the Factories.

(Translation.)

THE supplementary regulations and fixed statutes of the Great Emperor, every one of which surpasses in excellence those of the former dynasty, regard the lives of the people as of the highest importance. When a case occurs involving the loss of human life, and the officers appointed to conduct the Local Government evince the slightest insincerity in holding the inquests, or the depositions of the relatives of the deceased be inconsistent with the facts, then these officers are immediately reported to the Emperor and punished. This may be called grave and serious indeed.

A still greater sternness is however manifested where the lives of the Chinese people come into comparison with those of foreign countries and outlandish States, for if outlandish devils kill one Chinese the lives of two outlandish people must be forfeited in return.

The imperial laws are luminously manifested, and as the military and people generally have all without exception yielded an uniform obedience to and maintained them, tranquillity has subsisted between the upper and lower classes for a long time back.

In the fifth month of the present year, however, quite unforeseen, upwards of twenty Chinese were killed by the outlandish devils and their bodies thrown into the river to be buried in the bellies of the fish in it.

Yet the high authorities treat the matter as if they had not heard of it, regarding the outlandish devils as the gods before whom nothing is obscure, but ranking the Chinese people with fish and flesh, and treating human lives as contemptuously as hairs in a cap (*i. e.*, as things to be blown away). They have certainly not memorialized the Emperor on the subject, neither have they taken the necessary measures with reference to it here. The whole body of the people lament and repine in consequence, and their agony penetrates to the marrow in their bones.

All the colleges of the local deities (*i. e.*, public assemblies so called) are ardent in their intentions, entertaining a common hatred of the outlandish devils; and as there is no other plan that could be acted on, they will be obliged to fix on a certain day on which to come forward and act in this matter. To sum up, the security merchant, Pwan-a-fa, of the Changho hong (Mingqua) must be called on to point out the principals and accessories of those outlandish devils that engaged in the fight, in order that they may be burnt with fire; or measures taken to seize them to prevent a single life of our Chinese people being left unrepaid, which would cause the outlandish devils to become mad and unruly, and greatly detract from the general dignity of our Celestial Empire.

If Pwan-a-fa should dare to entertain thoughts of aiming after gain, and protect the outlandish devils by refusing to point them directly out, we will not stop until we eat his flesh and sleep on his skin, thus greatly gladdening the minds of the whole body of the people.

Publicly notified on a fortunate day of the present month, by all the colleges of the local deities.

[The above placard was posted during the night of the 15th September, 1846.]

Inclosure 3 in No. 12.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, September 19, 1846.

I HAVE received an official communication from Mr. Consul Macgregor, representing that the Regulations of July 1844 were still entirely unexecuted, and that vagabonds of all descriptions crowd the neighbourhood of the foreign factories.

Your Excellency is aware that the congregation of idle vagabonds in 1844 led to an attack on the Americans, who in consequence shot a Chinese in defending themselves. As the result of this occurrence the Regulations were resolved upon; but nothing was done to enforce them, and accordingly another attack was made on the foreign factories on the 8th July last, on which occasion the Americans combined with the English and repulsed the assailants, leading to the death of three Chinese.

Foreigners have long abstained from entering the city, to which they have an acknowledged right. They have exercised this patience and forbearance with a view to improve and maintain friendly feelings. But they find that in return for this patience and forbearance they are quickly returning to the former state, which it is impossible to endure, and which previously led to disastrous occurrences.

I repeat, that they have abstained from any attempt upon the interior of the city—but now they cannot live unmolested in their own dwellings. Their indignation is therefore intensely aroused, and it is impossible to controul them. They perceive that the Regulations of 1844 are not enforced, and that they are obliged to defend themselves against robbers and incendiaries.

I conceive that your Excellency was appointed by the Emperor of your honourable country for the promotion of peace and the prevention of bloody feuds. Now there is no better mode of preventing such feuds than by preserving order, and it is impossible to preserve order without repressing the congregation of vagabonds. Until this is done, we may

daily expect the recurrence of disturbances, and perhaps the death of hundreds on both sides.

I have informed my Government that the Regulations of 1844 are still unenforced, and that the district officers of Canton do not control the populace. Indeed the Treasurer and Judge of the province publicly encouraged the people in their hatred of foreigners, as is on record. I therefore solemnly give your Excellency previous warning, that should disasters occur from the defect of necessary precautions, my Government will be prepared to demand indemnity. A most necessary communication.

I take this occasion to renew, &c.

(Signed) J. F. DAVIS.

No. 13.

Sir John Davis to Viscount Palmerston.—(Received November 28.)

My Lord,

Victoria, Hong Kong, September 26, 1846.

WITH reference to my last despatch on the same subject of the 23rd instant, I have now the honour to report the most recent state of the question regarding the Canton riot of July 8.

Mr. Consul Macgregor was disposed to make the levy of a fine on Mr. Compton, for his misdemeanor in assaulting a Chinese, dependent on the punishment of the mandarin who neglected to quell the riot; but it appeared to me that this bartering of one act of justice against another was objectionable, and that by fining Mr. Compton and putting ourselves in the right, we should place the Chinese still further in the wrong. I accordingly directed the Consul to levy the highest fine of 200 dollars under the Consular Ordinance.

It is satisfactory to state that my formal protest to Keying on the non-enforcement of the Regulations for preserving order (of which a copy was inclosed in my previous despatch) has had the desired effect, and that Mr. Consul Macgregor reports the clearing of the streets and avenues about the foreign factories in a very effectual manner.

The same is implied in the inclosed reply from Keying, received yesterday, in which the punishment of the persons who killed the Chinese assailants is again proposed.

In my reply, herewith forwarded, I announce the fine of 200 dollars levied on Mr. Compton for his misdemeanor; and at the same time comment on the circumstance of no punishment whatever having been inflicted on the mandarin who neglected to quell the riot.

I then point out the absence of candour and fairness in confining the charges exclusively to the English, when it is universally notorious that all foreigners were promiscuously engaged in repelling the assailants on the factories, and that even the Chinese peaceful inhabitants having been also attacked by those intent on pillage, had taken measures for their own future safety, by preventing the congregation of vagabonds.

The "Nemesis" steamer, at the request of Mr. Macgregor remains opposite the factories, and the "Wolverine" sloop of war will be anchored at Whampoa; but the Consul reports that everything is perfectly quiet, and that preventive measures are still in progress.

I have, &c.

(Signed) J. F. DAVIS.

Commissioner Keying and the Governor of Kwangtung to Sir John Davis.

(Translation.)

KEYING, High Imperial Commissioner, &c., Hwang, Lieutenant-Governor of Kwangtung, &c., send the following reply to a despatch of the honourable Envoy (dated September 19) respecting the non-carrying into effect of the regulations [here follows an extract of the above paper.]

We, the Great Minister and the Lieutenant-Governor, after duly perusing this communication ascertained that the military authorities and the magistrate had received directions to make known the Regulations of 1844 to the public, that measures might be adopted for carrying them out. We moreover resolved to appoint an able officer to take up his abode [near the foreign factories] with a good number of soldiers for the sake of making investigations and keeping down [the mob]. The people however are powerful by their numbers, whilst their superiors stand isolated. The authorities therefore can only then constrain the people and reduce them to obedience when they treat them rationally; but they cannot be coerced by vainly employing prohibitions and injunctions. Though the laws of the Central Empire differ from those of your honourable country, yet in this principle I suppose we both agree.

As there is now a case of the loss of three lives pending, which has not yet been arranged according to the principle of reason, the Chinese authorities cannot render an account to the people. If we attempt to induce them by main force to yield obedience to those Regulations, this would furnish them with a sufficient plea to ask for retribution and seek for revenge. It is on this account that we, the Great Minister and Lieutenant-Governor, though much wishing to issue a severe and lucid proclamation, must still delay it and cannot do so in a hurry.

You say in your letter that you are apprehensive of another disturbance, in which on both sides hundreds of lives may be lost, and words to that effect. As the present case cannot be managed according to the Treaty, the Chinese will in future not yield to the mandarins, when they are about to quell [a riot], and we fear that a disturbance is unavoidable.

The inhabitants of Canton are of a violent and obstinate disposition, the clubs are fond of displaying their spirit and bravery, and it is to be very much feared that the matter will not end with the loss of a few hundred lives. We the Great Minister and Lieutenant-Governor are constantly under deep anxiety on account of this circumstance and can neither sleep nor eat quietly.

As you, the honourable Envoy, therefore are guided by benevolence and are apprehensive of a new riot in which many lives may be lost, you have merely according to the provisions of the Treaty to prosecute some foreigners who wantonly fired to the destruction of life, and there will be a stop put to the causes of disturbance, the lives of hundreds will be preserved on both sides, and we may adopt measures for carrying the protective regulations into effect; and would this not be excellent? You, the honourable Envoy, will take this matter under mature consideration and act up [to your conviction].

We shall not dwell upon the topics on which we have repeatedly spoken in our various correspondence, but send this answer, whilst wishing you every happiness, addressing the same

To his Excellency Her Britannic Majesty's Plenipotentiary, Sir John Francis Davis, Bart., &c.

Taoukwang, 26th year, 8th month, 4th day. (23rd September, 1846.)
Received 25th instant.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, September 26, 1846.

I BEG to reply to your Excellency's note of the 23rd instant, concerning the punishment of certain rioters.

Mr. Consul Macgregor has been informed that Compton, who threw down a fruiterer's stall, must be fined 200 dollars. This is the highest fine that can be levied by the ordinance against any person conducting himself irregularly.

Your Excellency is aware that the military officer who ought to have prevented the public riot has not been punished at all. This does not seem equal or just.

With regard to the attack on the foreign factories, it was made by robbers and vagabonds, who endeavoured to set them on fire and to pillage them. Had Chinese soldiers come in time, this attack might have been prevented; but for three hours they never appeared, and the shops of Chinese merchants were also attacked. Such being the case, could the foreigners be expected to sit at home while their factories were burned and pillaged? I have ascertained that the Deputy Magistrates of the householders of Old China-street, apprehensive of such attacks being repeated, have taken measures against the congregation of vagabonds.

Not only were the English factories threatened, but those of the Americans and all other foreigners. Both Americans and English and all foreigners promiscuously armed themselves, when they saw there were no Chinese soldiers to coerce the vagabonds. The Commander of the Danish ship of war sent up fifty men the same night. Can this be called only an English affair?

I before sent to your Excellency an American account of the whole business, in which it was stated that all foreigners were alike concerned. This is a notorious fact cognizant by hundreds, and it is useless and vain to deny or disguise it.

It is so far from being candid or right to attempt the confinement of the charge to the English, that I should be quite justified in declining all further correspondence on such a view of the subject. But my disposition is to follow a moderate and friendly course if possible.

Mr. Macgregor cannot take charge of American or other foreign subjects, but he endeavoured to ascertain if any particular Englishman had killed one of the Chinese. As it was quite dark, and as all the foreigners were mixed together in a crowd, it has been impossible to fix on any individual. The American who killed a Chinese in 1844 was actually ascertained, but no capital punishment could be inflicted, because the man only acted in self-defence. The English law is exactly the same, and with very good reason. All the foreign merchants, Americans as well as English, are desirous of subscribing for the relations of the deceased.

I regret exceedingly that this unfortunate event should have occurred. The Regulations of 1844 were not only unexecuted, but the vagabonds and thieves were permitted to attack the factories without any assistance for three hours, and thus several lives were lost. I feel assured that this can never again occur if the neighbourhood of the factories is kept clear of vagabonds, and if the commencement of a riot is checked before it becomes serious.

I take, &c.
(Signed) J. F. DAVIS.

No. 14.

Sir John Davis to Viscount Palmerston.—(Received November 28.)

My Lord,

Victoria, Hong Kong, September 28, 1846.

IT is satisfactory for me to convey to your Lordship the latest report not only of the existence of perfect tranquillity at Canton to the 26th instant, but the co-operation of the peaceful and respectable Chinese inhabitants with their Government in the adoption of effectual measures for the security of the public peace. I believe that my reasonable protest to Keying (before forwarded) may have had its intended effect on this occasion.

The inclosed despatch from Mr. Consul Macgregor was this moment received by me.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure in No. 14.

Consul Macgregor to Sir John Davis.

Sir,

Canton, September 26, 1846.

I HAVE now the honour to inclose copy and translation of a proclamation issued by the acting assistant District Magistrate of Nanhæ for the purpose of enforcing the Regulations of 1844; and I am happy to be able to inform your Excellency that it has already had the desired effect of removing from the streets flanking the factories the nuisances so often complained of by the foreign community; and there is every reason to suppose they will remain in this state, as the householders in the neighbourhood have combined with the Government in watching over the strict execution of the laws framed for the protection of the factories.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

No. 15.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, December 10, 1846.

I HAVE received your various despatches respecting the disturbances at Canton, the last of the 28th of September.

I have to state to you with reference to Mr. Consul Macgregor's correspondence inclosed in your despatch of the 7th August, that I do not think his reasons for objecting to the stationing of a ship of war opposite the factories for the protection of British residents by any means satisfactory. I dissent entirely from his doctrine that British subjects resident in a Chinese port should be left wholly unprotected, lest the sight of the force sent for their protection should irritate the mob, and excite them to violence which they would not otherwise have committed. I am satisfied that the effect would be just the reverse; and that on the contrary the true way to encourage the mob to acts of violence is to leave unprotected the persons and the property that might be the objects of their violence.

The distinction attempted to be set up by Mr. Macgregor between that part of the river opposite the factories, and the port of Canton is wholly untenable; but in order to cut such a distinction short I have only to say that wherever British subjects are placed in danger, in a situation which is accessible to a British ship of war, thither a British ship of war ought to be, and will be ordered, not only to go, but to remain as

long as its presence may be required for the protection of British interests.

I see no reason in anything which Mr. Macgregor has said for cancelling the instructions given to you in my despatch of October 3, for the constant presence, till further orders at least, of a ship of war within reach of the factories at Canton.

I am, &c.
(Signed) PALMERSTON.

No. 16.

Sir John Davis to Viscount Palmerston.—(Received December 29.)

My Lord,

Victoria, Hong Kong, October 12, 1846.

WITH reference to my last report on the Canton discussion, of the 28th of September, I have the honour to inclose copy of a note from Keying, in which the remissness of the Local Government as to the suppression of the riot is summarily evaded; and it is added that since more persons were killed on the last occasion than in 1844, the two instances cannot be compared.

It is universally notorious that the émeute was put down solely by the foreign residents, without whose energetic conduct the factories would infallibly have been burned and pillaged as in 1842. Your Lordship will observe that Keying still seems to expect some further settlement of the question, though he persists as before in making no sort of call on the Americans or other foreigners, who were as much concerned in the late affair as the English.

I wrote to Mr. Macgregor, as the person best acquainted with what had occurred on the spot, for his opinion as to the desirability (under the foregoing circumstances) of subjecting any of the English to trial at Hong Kong; although their acquittal must be a matter of course. In the inclosed reply he observes that the certain acquittal of the parties would in no manner satisfy the Chinese, while the trial of the English alone would confirm the false impression that no other foreigners were concerned, and thus assist the unfair attempt to confine the odium to the English.

In my inclosed answer to Keying I have pointed out the heavy fine on Mr. Compton, as a satisfactory proof of my determination to prevent acts of aggression on the Chinese. I then repeat my remonstrances against the unfair attempt to make the English alone answerable for what occurred on the 8th of July, an acquiescence in which would tend to confirm the unjust charge.

I point out to Keying that in 1844 the American who had shot a Chinese was known and identified, but that he was not punished on the ground of having only exercised the right of necessary self-defence, exactly as in the late case; and I add that on any occasion of really culpable homicide I should not wait for a representation from himself, but proceed at once to subject the guilty party to punishment.

Considering it at the same time right that English subjects at Canton should be duly warned of the consequences of any rash or unjustifiable use of arms on their part towards the Chinese, I addressed the inclosed despatch to the Consul, calling upon him to place them on their guard upon this point.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 16.

Commissioner Keying to Sir John Davis.

(Translation.)

KEYING, High Imperial Commissioner, &c., sends the following reply to a despatch (dated 26th September) from the honourable Envoy, respecting the Canton troubles [here follows an extract of that paper] which he fully perused.

In a former letter I explained very distinctly that the mandarins were by no means dilatory in putting down [the mob], and I shall therefore in my present note not again refer to this subject.

It still remains to decide how to settle the case respecting the loss of life, for the sufferers were no vagabonds, and each had a profession and a family. I the Great Minister cannot, on account of the great destruction on the present occasion, bring forward the late occurrence with the Americans in 1844, or draw a comparison between both cases. If you the honourable Envoy will speedily, justly, and properly manage this affair, the relations of the deceased will willingly acquiesce [in the decision], the minds of the people will be quieted, and the multitude will on a future day have no pretence for revenge and new riots. I the Great Minister will then also address a perspicuous proclamation to the people to allay the indignation of the multitude, whilst means may be adopted for carrying the regulations for the protection of the foreign factories very soon into effect, which will be of the highest importance.

Whilst forwarding this reply I wish you much happiness, and address the same

To his Excellency Her Britannic Majesty's Plenipotentiary, Sir John F. Davis, Bart., &c.

Taoukwang, 26th year, 8th month, 14th day. (3rd October, 1846.)
Received 7th instant.

Inclosure 2 in No. 16.

Consul Macgregor to Sir John Davis.

Sir,

Canton, October 1, 1846.

I HAVE attentively perused and considered the contents of your Excellency's despatch inclosing copy of your last note to the Imperial Commissioner, the original of which was duly received and forwarded to its destination.

With regard to the expediency of putting upon trial a certain number of such persons, British subjects, as may have been concerned in firing while repelling the late attack of the mob on the foreign factories, I am inclined to think that such a measure, which could only end in the acquittal of the accused, would not have the effect of allaying the feelings of hatred and revenge that may rankle in the bosom of the populace, who want life for life, and would attribute to undue partiality what is merely the effect of different laws. The object in view, of satisfying them, therefore would not be attained by a measure likely to create great dissatisfaction among the British residents at thus being singled out and subjected to trial while other foreigners were not; it might besides afford a handle to the mandarins of throwing all the blame upon us, to which from the commencement they have been and still are very much inclined. It seems clear indeed that whether a trial at Hong Kong be resorted to or not, the Chinese people will never be made to believe that justice has been done to them. As on the one hand therefore the measure does not promise to do any good, while on the other it may be productive of some evil, I feel great reluctance in recommending it, unless Keying himself (who has been made acquainted beforehand with the result in the event of a trial) should notwithstanding urge the necessity, for the maintenance of public

tranquillity, of going strictly through all the forms prescribed by the Treaties; and in such a case I shall use my best endeavours in finding out some of the persons who fired into the mob during the late riots.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 3 in No. 16.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, October 9, 1846.

I HAVE received your Excellency's note in reply to my last concerning the late riots.

Since Compton was certainly guilty of an act of great irregularity and disorder in his violent conduct towards the man whose stall he overturned, I deemed it necessary that an example should be made, and he has accordingly been obliged to pay the highest fine which the Ordinance prescribes for a misdemeanour, viz. 200 dollars. I feel certain that this will have the effect of deterring other persons from similar misconduct.

With regard to the foreigners of different nations who fired in self-defence when the factories were attacked, I have from the very first informed your Excellency that the subjects of my Government were greatly dissatisfied that they alone should be charged with shooting the Chinese, when it was as universally notorious as the sun in the sky that all foreigners were promiscuously engaged in defence of themselves and property, and that therefore it was not admissible to confine the matter to the English alone.

Your Excellency I repeat must be well aware that from the commencement a most unjust and unusual attempt has been made to fasten the odium of the late disasters exclusively on the subjects of my Government. My very first despatch protested against this, and I shall continue to protest against it as long as it is persisted in. My countrymen not without reason are highly incensed at such a flagrant injustice—at such an unfair and odious distinction—and I cannot expect them to submit to it. Had an impartial and fair line of conduct been adopted at first, the affair might long ago have been arranged.

I have already shown my desire both to do justice and to prevent future disorders by the effect of example in punishing Compton for the assault of which he was really and tangibly guilty; but the unfortunate occurrences of the night of the 8th July could not have taken place except for the neglect of proper regulations, and the total absence of controul on the part of the District Magistrates. Had the local authorities put down the vagabonds and plunderers who attacked the factories and attempted to fire them, the foreigners would not have been compelled to shoot, and the Chinese would not have been killed.

It is a rule with all nations, founded on the plainest principles of national justice, that any person who chances to kill an aggressor in the necessary and therefore lawful defence of his life and property, cannot be punished. According to this universal rule, the American who happened to shoot a Chinese aggressor in 1844, could not be punished. But if an Englishman maliciously, and without the justification of necessary self-defence, were to kill a Chinese, I should not wait until your Excellency called for it; I would instantly take measures for subjecting him to the last penalties of the law.

I beg, &c.
(Signed) J. F. DAVIS.

Inclosure 4 in No. 16.

Sir John Davis to Consul Macgregor.

Sir,

Victoria, Hong Kong, October 9, 1846.

I HAVE been informed that certain British subjects, in common with other foreign residents at Canton, have organized themselves into a species of armed body on the ground of necessary self-defence against possible Chinese tumults. It is clear that any superfluous displays of this kind must be calculated to produce irritation, and to originate those evils which they profess to avert. It will therefore be prudent, and indeed indispensable, to warn the most forward of any of Her Majesty's subjects so engaged, that in case of unfortunate events occurring, an act of homicide by fire-arms will always be liable to trial before the Supreme Court of this colony, and that it will require every proof of strong justifying necessity to save the accused from the penalties of manslaughter, or even murder.

I have, &c.
(Signed) J. F. DAVIS.

No. 17.

Sir John Davis to Viscount Palmerston.—(Received December 29.)

My Lord,

Victoria, Hong Kong, October 26, 1846.

MR. CONSUL MACGREGOR has informed me that Mr. C. S. Compton, whom I deemed it necessary to fine 200 dollars as the originator of the fatal riot of the 8th July last, intends to make some sort of appeal to the Supreme Court of this colony.

My previous despatches have placed your Lordship fully in possession of the reasons which made it indispensable to fine Mr. Compton. It was the only act of justice which I could render to the Chinese Government on their reiterated requisition, and if that merchant could by any possibility relieve himself from the penalty, the chances of forbearance on the part of our people towards the Chinese, and of the consequent maintenance of peaceful relations, would be small indeed. I forward the charges made by the Chinese Minister, and a portion of these were proved on investigation. Inclosure No. 2 in my despatch of the 7th of August also contained the charges against Mr. Compton,

I have the honour to inclose a copy of the Ordinance No. 5 of 1844*, enacted by Sir Henry Pottinger, which I conceive fully empowers me to levy such a fine (or even double the amount), and which at the same time precludes the prospect of any action against the Consul, who has merely to plead my order or sanction.

I have deemed it necessary to furnish Mr. Hulme (the Chief Justice) with a copy of the inclosed despatch from myself to Consul Macgregor, in which my reasons and motives for insisting on Mr. Compton's fine are fully stated. With this in his possession, Mr. Hulme, I trust will see the advisability of supporting my authority over the Queen's subjects within the Chinese territory, where the Government of the country has so far conceded to us its inherent rights of sovereignty.

Mr. Compton seems to found some hopes of impunity on the circumstance of the Consul, in announcing to him his penalty, having misquoted the number and clause of the Ordinance under which I authorized it to be levied. After having communicated Mr. Compton's very just and necessary punishment to the Chinese Minister, it would be absolutely impossible to satisfy his Government as to the remission of the fine on any such

* Presented to Parliament June 17, 1845.

ground as this, and I need hardly add that the consequences would be excessively mischievous, and I therefore hope your Lordship will approve of my precaution in officially supplying the Chief Justice, with all the circumstances under which I deemed it necessary to authorize the fine.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 17.

Charges made by the Chinese Minister against Mr. Compton.

A Declaration.

(Translation.)

KE, Imperial Commissioner, Governor-General of the Two Kwang, &c., and Hwang, Governor of Kwangtung, &c., hereby give a declaration in reply.

Some time ago we received your statement stating [here follows a condensed abstract of Her Majesty's Consul's letter to the Imperial Commissioner, dated 8th August, 1846.]

When this reached us we gave orders that an examination should be instituted into the matter, and we have now received the reply of the District Magistrate of Nanhae, stating :

"In obedience to your instructions I immediately dispatched runners to summon before me the witnesses, for the purpose of interrogating them. Afterwards I received a report from the runners in question stating that the person who was selling plums at the entrance of Old China-street on the 8th of July was an itinerant dealer, whose name and dwelling-place were unknown, and that the person who had been laid hold of, taken away, tied and beaten by Compton, was a man from a Sha-wei boat, whose name was also unknown ; that they had therefore no data by which to search out and summon these people, but that they had brought all the others. I thereupon examined them, and the fruiterer Lin-a-he deposed as follows —

" 'On the 4th July current, at about 2 o'clock (wei pac she how), I was carrying lychees about for sale, and had arrived at the doorway of the guard-house at the back of the thirteen factories, when an Englishman came and kicked over on to the ground the basket containing the lychees. I was expressing to him my disinclination to submit to this proceeding, when the officer and soldiers in the guard-house came out to explain the affair away, and admonish us; and I, yielding to their admonitions, immediately gathered together the lychees again and put them into the basket and carried them away. This is the truth.'

"The military officer, Le-fung-tseang, deposed as follows :—

" 'On the 4th July Compton having kicked over the fruit-basket of Lin-a-he before the guard-house, and Lin-a-he being disinclined to submit to this proceeding, I went out with the soldiers and exhorted the parties to disperse. There was no throwing of stones by the bystanders. Compton followed into the guard-house, said something we know not what to myself and the others, and then beat me and the soldiers with his cane; which the crowd in the street perceiving, were thrown into a state of excitement. Compton carried no stone in his hand at the time. On the 8th of the month an Englishman, whose name is unknown to me, on issuing from the hong, ran against a vendor of plums, whom he thereon beat with his cane. The vendor of plums and the crowd in the street all showing their disinclination to submit to this, a mutual clamouring ensued; which Compton perceiving from an upper story, immediately descended, carrying a cane, and issuing from the hong, assisted the other in beating. He also laid hold of a man, and took him into the Chungho shop, where he tied and beat him, thereby causing the crowd to make a riot. This is the truth.'

"The soldiers Le-tih-shing and Pei-tsung-taow on being examined, made depositions agreeing with this.

"The proprietor of the Chungho hong, the nominal officer, Pwan-she-yung, deposed as follows.

"On the 8th July, at about 4 o'clock (shin pae she how), the coolies and work people made a report to me to the effect that the Englishman Compton had, for what reason they did not know, run down from a back upstairs room, and with Gilman and some other individuals laid hold of one of the people and brought him into the hong; and that they had tied him with the cords of a fire-engine, and had beaten him. Just then the te-paow (overseer of the quarter) Leang Kwan arrived running, upon which we together immediately addressed our admonitions to the Englishmen, enjoining them to deliver the person who was bound to the people at the guard-house, or to the te-paow, to be handed over to the mandarins. This Compton refused to do and enjoining two Englishmen to keep guard, went himself into Pihechin's (Buxton's?) house. I immediately set the man who was bound at liberty, and he ran off; but this being observed by the Englishmen who were holding guard over him, they made pursuit, and again laid hold of and detained him. The struggling and wrangling of the parties being heard by the crowd in the streets, the public indignation was suddenly aroused, which led to the riot. This is the truth."

"The te-paow Leang Kwan, the shopmaster Chin-a-tsae, of Hog-lane, and the shopmaster Le-a-kwang, of the Leenhing-street, on being examined, made depositions to the same effect.

"As in duty bound I now make this report in reply, based on the facts, &c."

On examination we find, with reference to the said English merchant Compton having disgraced the military officer by beating him, that on referring to the archives of the District Magistrate of Nanhac, the circumstance was found to have been put on record according to a report made on the 4th of the month, when it was quite impossible that the said military officer, &c., could foresee the occurrences of the 8th of the month, and falsify and gloss over the facts beforehand. Further, the statements in the depositions of the soldiers made on being interrogated are as if they had been made by one and the same person, and hence of course strictly true. No matter whether the person who was tied had or had not a quarrel with Compton, the latter in every case ought not to have laid hold of him, taken him away, and tied and beaten him. If it be said that the desire was to hand him over to the authorities, then why did the said merchant not listen to Pwan-she-yung and the te-paow when they exhorted and enjoined him to deliver the man to the people of the guard-house?

As to Compton's having descended from an upper story with a cane and assisted in beating, when he perceived a foreigner quarrelling with a vendor of plums—as to this circumstance the statements in the deposition of Pwan-she-yung, &c., made on being interrogated, are in perfect unison with those made at first by the neighbours, &c.; and it appears therefore needless to take any further measures with reference to them. Everything else has been detailed in our former declaration.

We have now to give you a declaration in reply, in order to communicate to you the report received that there was no data by which to search out and summon the vendor of plums and the person who had been tied; and also the depositions made at the present examination; that you may examine into the affair and take such steps as may be necessary.

A necessary Declaration.

A Declaration for the British Consul, Macgregor. 23rd August, 1846.

Inclosure 2 in No. 17.

Sir John Davis to Consul Macgregor.

Sir,

Victoria, Hong Kong, October 22, 1846.

IN reply to a letter forwarded by you from Mr. C. S. Compton, you will have the goodness to inform that gentleman (as you have been already directed) that the ordinance under which I authorized you to fine him is

not Ordinance No. 2 but Ordinance* No. 5 of 1844, to carry into effect upon Chinese territory the Treaties between Great Britain and China, and for the preservation of peace and amity between the two nations. By Article XIII in the Schedule annexed to that ordinance, Mr. Compton was bound to proceed to the Consulate and state any cause of complaint against a Chinese. Instead of doing this, his violence excited the frightful tumult and bloodshed in which three Chinese were killed, and by which the peaceful relations between the two countries are still endangered.

Under these extraordinary circumstances I have considered myself bound to exert those high powers with which it has been deemed necessary to invest me for the government of Her Majesty's subjects within the Chinese dominions, with a view to the most important object of securing international tranquillity; and the British Government and Legislature will be prepared to support me on an occasion of such a peculiar kind. As before directed, you will plead my order as your sufficient warrant for the fine of 200 dollars, under Ordinance No. 5 of 1844, "for British subjects within the dominions of the Emperor of China," as passed by my predecessor, Sir H. Pottinger.

While the safety of not only the British but the whole foreign community is still endangered as the consequence of his conduct, Mr. Compton cannot reasonably expect that a fine, deliberately levied after the fullest inquiry, on a complaint repeatedly urged against him by the Chinese Government for a violation of Treaties on their own territory, should be remitted. This would be only to aggravate the serious evils for which Mr. Compton must be considered as deeply responsible, and it would at the same time prove me utterly unfit for the discharge of those international functions with which it has pleased Her Majesty to honour me, in the very unusual circumstances under which we exercise a foreign jurisdiction within an independent sovereignty. You will observe in my circular† to Her Majesty's Consuls of November 22, 1844 (since approved by Her Majesty's Government,) that the "Emperor of China having, like the Sultans of Turkey, waded in favour of Christian Powers rights inherent in territorial sovereignty, such Christian Powers, in taking advantage of this concession, are bound to provide, as far as possible, against any injurious effects resulting from it to the territorial Sovereign."

If the recovery of 46,000 dollars private compensation from the Chinese Government at another port proves that I have protected the rights of British subjects, it is only just that I should be equally firm in enforcing their obligations. On no other terms can we maintain a beneficial intercourse with China, and on no other terms can I undertake to administer my trust.

I have, &c.
(Signed) J. F. DAVIS.

No. 18.

Sir John Davis to Viscount Palmerston.—(Received December 29.)

My Lord, *Victoria, Hong Kong, October 28, 1846.*

I RECEIVED from Keying on the 17th instant the inclosed reply to my announcement that Mr. Compton had been fined as the originator of the fatal riot of the 8th July.

Your Lordship will observe that he still persists in confining the charge of firing to the English; but as he suggests at the same time that I should ascertain by a formal inquiry who those really were that fired, and to what nation they belonged, I took advantage of Mr. Johnston going up to Canton to authorize him, conjointly with Mr. Consul Macgregor, formally to investigate the circumstances already publicly and universally known, in order that I might transmit the report to the Chinese Minister. My note to Keying on the subject is annexed.

* Presented to House of Commons June 17, 1845.

† Presented to House of Commons January 26, 1847.

Mr. Johnston returned last night with the inclosed report. From this your Lordship will perceive that a number of Americans, Germans, and other foreigners were quite as actively engaged against the Chinese assailants as the English, and that the late American Chargé d'Affaires, Mr. Parker (now relieved by the arrival of Mr. Everett) led one of the parties, though without himself being armed.

When the departure of the mail has left me time, I intend to forward to Keying a translation of this report for his satisfaction.

With reference to a despatch from myself to the Consul, conveying warnings as to the use of fire-arms (already transmitted to your Lordship on the 12th of October), I beg to inclose the correspondence of the Committee with Mr. Macgregor, as printed in the "China Mail." It has given me much satisfaction to learn from the Consul, in a letter dated the 25th instant (as herewith transmitted), that preparations are making by Keying for converting the late Consou House into barracks for a strong force of Chinese police or military; and the Consul adds in a private letter that an officer of respectable rank will be stationed with the men. When efficient means of coercing the populace have been really established, I shall consider it my duty by every means to check armed associations of British subjects.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 18.

Commissioner Keying to Sir John Davis.

(Translation.)

KEYING, High Imperial Commissioner, &c., sends a reply to a despatch received from the honourable Envoy respecting the Canton troubles, [here follow the contents of the despatch dated 9th October], which I fully perused.

From this it would appear that Compton was punished by you the honourable Envoy for his extremely disorderly behaviour, which gave rise to the subsequent calamity; and hence you adopted this course. It was therefore not without a cause that a noisy crowd [of Chinese] repaired to the factories, as there was somebody who originated this affray; and it cannot be said that the foreigners who immediately fired and caused loss of life were innocent, and the death of three persons cannot be looked upon as not requiring a judicial prosecution. Now as an Englishman was the author of this case, it can only be brought home to Englishmen. It will moreover not be difficult to you the honourable Envoy to ascertain what countrymen those were who fired, and to establish the truth, for you are invested with plenipotentiary power, and have always been held in respect by all the other nations. After having clearly examined into the facts, you will justly manage the whole.

At present the relations of the deceased make continual application respecting this business. So long however as this affair is not settled the people will not remain quiet, and though we might endeavour to restrain them, we shall not be able to do so, another outbreak will take place, and it will be still more difficult to arrange and manage that.

As you the honourable Envoy possess knowledge and the clearest perception, you will endeavour, as I hope, very soon to settle this matter in an impartial manner, for it is of the utmost importance that the foreign and native merchants and people shall always live peaceably together.

Whilst forwarding this reply, I wish you every happiness, addressing the same

To his Excellency Her Britannic Majesty's Plenipotentiary, Sir John Francis Davis, Bart., &c.

Taoukwang, 25th year, 8th month, 25th day. (14th October, 1846.)
Received 17th instant.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, October 19, 1846.

I HAVE to acknowledge the receipt of your Excellency's note of the 14th instant relating to the late riots.

The punishment of Compton for his disorderly conduct has evinced my sincere desire to preserve peace and friendship between the English and Chinese. With regard to the subsequent attack on the foreign factories, in the defence of which all the foreigners were engaged, it becomes difficult (in a case where so many were concerned) to particularize individuals. As your Excellency however suggests that I should endeavour to ascertain to what nation those belonged who fired upon the assailants, I have directed an investigation to be made by officers deputed for the purpose to Canton, and will inform your Excellency of the result.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 3 in No. 18.

Report of Investigation as to firing on Chinese at Canton.

Canton, October 23, 1846.

THE Honourable Mr. Johnson having been instructed to proceed to Canton and to co-operate with Francis C. Macgregor, Esquire, Her Majesty's Consul at that port, in an investigation into the principal circumstances of the attack on the foreign factories, in which several Chinese were killed on the 8th July last, accordingly proceeded thither; and a consultation having been held on the 23rd October at Her Majesty's Consulate as to the best way of conducting the investigation came to the decision, as no Chinese evidence appeared against foreigners, to commence the investigation by examining such of the Consular Officers as were present at the disturbances alluded to, and then to proceed further to examine those of Her Majesty's subjects (and others if possible) who may appear to have been present on the occasion in question, as well as to ascertain those who most prominently bore fire-arms on that occasion, and the nations to which they belonged, in accordance with the instructions of his Excellency Her Majesty's Plenipotentiary, under date 20th October, 1846.

Her Majesty's Consul himself having been witness to part of the disturbances thought that the evidence of Mr. Harry Hammond Smith would throw much light on the subject, and it was consequently decided that his evidence should likewise be taken and recorded.

In furtherance of these decisions, Her Majesty's Officiating Vice-Consul, John Backhouse, Esquire, was called in and examined.

John Backhouse, Esquire, Her Majesty's Officiating Vice-Consul, was examined, and declared—

“Hearing that there was a disturbance at the foreign factories on the evening of the 8th July, I went to the bottom of Old China-street, near the foreign factories, and saw there Messrs. Birley, Cuvillier, Bull (American), and Bourne, and several other foreigners whose names I do not know, with fire-arms in their hands. At the time alluded to the Chinese mob had left that spot, and the Chinese soldiers shortly afterwards made their appearance. I saw the place where the Chinese mob had broken into Minqua's hong. On passing through the factories I saw Mr. Compton standing before the door of the hong in which he lives. I heard shots fired in the direction of New China-street, but did not see any one fire.”

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This declaration being read over to John Backhouse, Esquire, and he being asked if he had anything more to declare on the subject, answered that he had not.

Edward Fry Giles, Esq., Acting Senior Assistant to the Consulate, being interrogated, declared—

I was at the front of Minqua's hong on the evening of the 8th instant, and saw a number of foreigners assembled with fire-arms in their hands. Among them was Mr. A. Johnston, of the firm of Gilman and Co., Mr. Watson, Mr. Birley, Mr. Bourne, and an American, I believe of the name of Vinton. After arriving at the spot I mentioned, I went on towards the Danish hong, and saw an apparently-enraged mob of Chinese throwing large brickbats and stones at some foreigners, who were retaliating by firing on them. I was warned by the foreigners to go away, as I was unarmed, and would probably be hurt. A shower of stones fell close to me while at the end of New China-street. I saw one foreigner struck on the ankle, but do not know who he was. One of the persons who warned me away from the end of New China-street was, I am sure from his dress and voice, an American. As the showers of stones were falling faster and faster, and a violent yelling was kept up, I left this place and returned to the front of Minqua's hong, from whence, in common with others who were there, I went into the American garden, the Chinese soldiers having arrived in front of Minqua's hong."

This declaration having been read over to Edward F. Giles, Esq., and he being asked if he had anything more to declare on the subject, answered that he had not.

Thomas Taylor Meadows, Esq., Chinese Interpreter to Her Majesty's Consulate, Canton, being examined, declared—

"Some time after having written Chinese letters to the Canton authorities for Her Majesty's Consul on the 8th July, I went to the end of Old China-street, where the disturbance commenced. I saw several foreigners there with fire-arms, swords, &c. in their hands, but do not know the names of any of them except Mr. Marjoribanks, who had neither gun nor sword. I remained there and in the vicinity for about two hours. I went in the course of the evening to the end of New China-street and the Danish hong. On two or three occasions while there, stones or bricks fell about me frequently, thrown both from New China-street and the south side of Danish-street; other foreigners were at those places, and most had arms. I saw a shot fired at the end of New China-street, but the gate (closing the street) was shut; and the Chinese who were throwing stones were on the other side of it, and threw them over the gate. At this time it was quite dark."

This declaration being read over to Thomas Taylor Meadows, Esq., and he being asked if he had anything more to declare on the subject, answered that he had not.

Francis B. Birley, Esq. was examined, and declared—

"I was informed by Mr. M. Smith, when at dinner with Mr. Dudgeon on the 8th July, about 7 o'clock, that a disturbance had occurred; that Mr. Church's house was attacked; that a party of gentlemen had gone to his assistance, had fired on the mob, and that we must all turn out. I with others armed ourselves in the best manner we could, and proceeded to the front of the factories, where we found the foreign community, English and Americans likewise, armed, to the best of my recollection. I then went to Mr. Church's house, saw the place where the mob had attacked it, and torn down a great portion of the wall. Proceeding further to the top of New China-street, I saw a party of the foreign community; the Chinese mob were throwing stones at them. I there heard that a lady was in a house further on which was in danger of being attacked; it was now proposed that we should rescue her, one of the gentlemen undertaking to lead. (Mr. Birley being asked to mention the person guiding them, answered he was an American.) We then proceeded to the corner of Danish-street south to the rescue; he mob threw stones at us, and being

at the time under protection of the corner house, we stopped there. Our leader proposed, as the mob was great, that we should send round a coolie with a note to inquire if the lady was safe and wished to be rescued. The answer arrived shortly, to the effect that she was then safe, and desired to remain, unless something occurred near her house, either the disturbance increasing, or in the event of fire. We remained here for a long time, the mob occasionally throwing stones and endeavouring to close upon us, when we raised our muskets, and they retired a few yards. This occurred repeatedly, and lasted till 11 o'clock, when I received a message from Mr. Dudgeon requesting me to return, as they were organizing a guard to protect their houses in the new factories."

Mr. Birley has to add that whilst on the spot, Mr. Jackson came there, whose opinion was asked as to our position, and whether it could be improved or any alteration made in the arrangements; he gave his opinion that it could not be improved. All this time it was so dark that Mr. Birley does not positively know who were of the party. At about 11 o'clock Mr. Birley returned to his own factory.

This evidence being read over to Mr. Birley, and he being asked if he had anything more to declare on the subject, answered that he had not.

Mr. Alexander Johnston*, book-keeper to George Lyall, merchant —
 "Finding the community were arming themselves in consequence of a disturbance at Mr. Church's house, I likewise armed myself, and joined them within the gates of the factories. A short time after I came there it was decided the factory gates should be opened; as soon as this was done we all went out; the Chinese mob were so violent and threw so many stones that several foreigners fired upon them. I did not fire, but should have felt myself perfectly justified under the circumstances. I was armed with a blunderbuss, and was afraid as it would scatter the shot that it might injure some of the foreign community, as well as the Chinese, or else I should have fired. I am quite sure that there were several Americans and some Germans mixed up with those who were present on this occasion, as well firing as not. I was in common with the rest of the community on guard until about two o'clock in the morning. During that night I was at the end of New China-street, where there was some firing, and I heard repeated warnings given to the mob to keep off, which occasionally they did, but resumed the attack. I was relieved at two by other guards, who remained I believe until 5. No firing, I believe, took place after 10 o'clock when the Chinese soldiers first made their appearance."

This evidence having been read to Mr. Johnston, and he being asked if he had anything more to declare on the subject, answered that he had not.

Mr. Herbert Fowler Bourne was examined and declared—

"I was present at a part of the disturbance on the night of the 8th July immediately outside the factory gates at the end of Old China-street. I was present when the factory gates were opened; the mob threw stones on those who went through. Some of the persons went to the entrance of Old China-street and others to the corner of Mingqua's hong. I followed the former party, which consisted I believe totally of Americans. The party several times warned the Chinese to make way for them but were only answered by shouts and stones, the party frequently raising their muskets, at which the Chinese for the moment retired a little, but resumed the attack with stones and shouts. I saw the party fire one volley. Dr. Parker was there but unarmed. This is the only part of the disturbance I saw during the evening."

This evidence being read over to Mr. Bourne, and he being asked if he had anything more to declare on the subject, answered that he had not.

Samuel Marjoribanks, Esq., was examined and declared—

"When walking in the front of the new factories about 6 or 7 o'clock on

* Recently in the house of Gilman & Co

the evening of the 8th July, and wishing to go into the public garden, found the gate at Hog-lane closed. On obtaining admission I went across the factories to the end of Old China-street, where I saw the mob throwing stones at Mr. Church's windows. A number of foreigners were collected here, and it was decided they should arm themselves and be ready to act in case of necessity. Mr. Church up to this time was in company with me. I then went home and did not return until 8 o'clock; at that time a large number of foreigners were collected inside the factory gates; whilst here I looked through a wicket, and observed a Chinese wrenching out the iron bars from the lower window of Mr. Church's house. It was decided by the community that it was necessary to open the gates and attempt to disperse the mob. On the gates being opened the Chinese mob separated, some towards Old China-street, some towards the river, and others past Minqua's hong. Part of the foreigners halted outside the gates; the majority to the best of my belief being Americans. That portion of the mob which had turned towards Old China-street made a stand at the gateway at the end of the street and began pelting the foreigners with stones. They were repeatedly warned to go away, and not attending to the warning, but continuing to pelt, they were fired upon. Shortly after on going to the gate at the end of Old China-street to see if the mob had dispersed, I found the street was clear, and observed two Chinese lying on the ground wounded; they were brought to the side on which we were. The gates of Old China-street were closed, and no further attack was made. I was afterwards for some time engaged professionally in attending a Parsee whose leg had been fractured during the disturbance. I was armed with a brace of pistols but did not fire."

This evidence having been read to Dr. Marjoribanks, and he being asked if he had anything more to declare on the subject, answered that he had not.

Harry Hammond Smith, Esq., was examined and declared—

"On the evening of the 8th July I was returning across the gardens from the river; being told there was a disturbance outside I went to Minqua's hong; was pelted and struck on the body several times. I remained in Minqua's hong for some time; heard the mob pelting Mr. Church's windows, and returned home by the back streets. On my way saw several persons getting their arms ready, and a large number of foreigners already collected in front of the factories. I armed myself and joined them, who seemed to be under the impression that the block of factories were endangered by the mob who had already made an attack upon Mr. Church's house, and it was also considered that the mob when opportunity offered would fire the buildings; it was therefore decided to be expedient to go out for the purpose of dispersing the mob. I accompanied Mr. Macgregor under a shower of brick-bats as far as Minqua's hong where Mr. Macgregor stopped, and I proceeded on to New China-street where I was joined by several others. The mob were warned by us to disperse, they partly did so; others continued to make sallies and pelt. I saw a Parsee limping away as if he had been struck on the leg. I also saw a German fall—picked him up, remarked that he was bleeding profusely from a wound in the head, and asked some person near me to take him to a Doctor. This party consisted of English, Americans, several Parsees, and the German above mentioned. I heard several shots fired. I saw several Chinese soldiers go down one of the cross streets near the river to repel the mob. They shortly after retreated, and passed me again followed by the mob: and then one of them said to me "tae pan, tae pan cumshaw," pointing to a wound he had received. I was continually struck by stones and brick-bats during the time I was on the spot. Some time elapsed before the place was cleared, which was done about 10 o'clock, and during that time shots were fired at intervals. I believe the worst part of the disturbance was at this place, the mob continually making sallies on the foreigners down New China-street and from the river. I was constantly patrolling with several others in the vicinity of New China-street and the factories until 5 o'clock in the morning, during which time nothing particular occurred."

This evidence having been read to Mr. Smith, and he being asked if he had anything more to declare, answered that he had not.

J. T. Cuvillier examined, appeared to throw no further light on the subject, not having seen any firing or any part of the conflict that evening.

(Signed)

A. R. JOHNSTON.
FRANCIS C. MACGREGOR,
Her Majesty's Consul.

Inclosure 4 in No. 18.

Consul Macgregor to the British Merchants and other British Residents at Canton.

Gentlemen,

Canton, October 13, 1846

IT having come to the knowledge of his Excellency Her Majesty's Plenipotentiary in China, that certain British subjects in common with other foreign residents at Canton, have organized themselves in a species of armed body, on the ground of necessary self-defence against possible popular outbreaks; and it being obvious that any superfluous displays of this kind must be calculated to produce irritation and to originate those evils they profess to avert, I have been instructed to warn the most forward of any of Her Majesty's subjects so engaged, that in case of unfortunate events occurring, an act of homicide by fire-arms will always be liable to trial before the Supreme Court of Hong Kong, and that it will require every proof of strong justifying necessity to save the accused from the penalties of manslaughter or even murder.

I have, &c.

(Signed)

FRANCIS C. MACGREGOR.

Inclosure 5 in No. 18.

Mr. Campbell to Consul Macgregor.

Sir,

Canton, October 15, 1846.

I HAVE the honour of informing you that a meeting of the British community was held this morning, to take into consideration the steps proper to be pursued in consequence of the issue of your circular of the 13th instant, and as chairman of the meeting I am directed to address you on its grave contents.

The community have as you are aware, been organized for more than three months for mutual defence, for the protection and removal of their property in case of fire or riot, and for the purpose of communicating with you on any subject of general interest or utility.

The scheme of the organization was communicated to you, and you authorized me to state that it had your approbation, though you could not give it your official sanction; and you further said that you had yourself contemplated proposing some such arrangement to us when you should move into your new factory.

In no respect have we departed from the scheme as originally explained to you. A handful of men among hostile thousands, hopeless of aid from the Chinese authorities, and with only a very small British force at hand, valuable indeed by its presence to prevent attacks, but which we are informed has orders not to act unless expressly called upon by the Chinese authorities; believing, too, that this protection would at any moment be withdrawn at the slightest hint from the Chinese authorities, since, for fear of their misgivings it was long denied to our urgent representations; in such a situation, Sir, to what have we to trust for life and safety? Surely to our own resources—to union, order, and to firmness.

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We cannot view a popular outbreak as merely a possible event—within these few days one was threatened; and violent placards against us very lately disgraced the walls; and we see nothing in the present aspect of affairs to encourage the hope that disturbances which have happened so often will not happen again. In these apprehensions we must conclude that you participate, since you thought it expedient to order the “Nemesis” to resume her station opposite the factories.

Deeply interested as we all are in the preservation of tranquillity, it would be strange indeed if, as a body, the community acted so as to endanger it, and we wonder therefore that it should be necessary for us to inform you, and through you his Excellency, that we have studiously avoided all superfluous display, and as far as possible any display whatever. Feeling, however, it to be needful for the preservation of our lives that we should be armed, we have sought to learn the use of arms; and surely such knowledge cannot be considered unnecessary when in Hong Kong itself, under British authority and strengthened by a powerful garrison, it has been officially declared unsafe to walk about without weapons.

We conceive that we have a perfect right to assemble for drill or any other exercise; but we have only met on private ground within the walls of our own factories, where none but our own domestics have any business, and perhaps the workmen engaged in the few unfinished houses some distance from our place of meeting. In going to and from the place of meeting we have made no display by marching in a body, but have assembled and dispersed individually and as quietly as possible.

We cannot see that such proceedings are at all calculated to endanger the public tranquillity, but we firmly believe that they tend very greatly to ensure our own safety. It may be that the rabble will hear with wholesome dread of the measures we have taken, but we doubt not that most of the well-disposed Chinese in our neighbourhood rejoice at them as conducing as much to their safety as to our own: and surely the organization and controul under which we act greatly lessen the chances of evil arising from the precipitation of individuals among our number.

In reference to the concluding paragraph of your letter, and having now fully explained the motives for and manner of our proceeding, I am directed to observe that every member of the community is perfectly aware that he is liable to the law when he shall be proved to have offended it; and in conclusion to request that you will distinctly inform me on behalf of the community, whether it is intended to forbid, and whether you do forbid, declaring illegal the organization of the community for the purposes and under the circumstances already explained.

I have, &c.

(Signed) A. CAMPBELL.

Present at the Meeting.

Assenting to the above letter	.	.	.	.	44
Dissenting .	.	.	.	.	2
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Committee's Report.

THE committee appointed at the public meeting of the 11th instant, and directed to devise a plan for the better protection of life and property in periods of tumult and confusion, beg to make their report to you. Your committee have endeavoured to frame a scheme by means of which, while our strength will be organized and rendered effective, it may also be controlled, and the danger which might possibly arise from the precipitation of individuals be obviated.

Feeling ourselves strong we may dare to be forbearing, and in times of disorder or disaster the display of our means of defence will it may be hoped render unnecessary a direct appeal to them.

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The danger which most frequently and formidably threatens us is that of fire, whether accidental or incendiary, often resulting from popular tumult, almost always accompanied by it. It is understood that the insurance offices, which have now a heavy interest in Canton, will shortly send out fire-engines of a larger and more efficient kind than have been hitherto available here, but your committee recommend that they be empowered to order at once from England one of the newest and best construction. Your committee undertake that this shall be exercised weekly, and kept in effective condition.

Your committee recommend that arrangements be made with Chinese merchants, who shall pledge themselves to have available and place at the disposal of the committee, a sufficient number of Coolies to work the engines and remove our property, and of chop-boats to receive it.

That three large alarm bells be suspended in convenient situations, the keys of them to be deposited with appointed persons, who shall give orders for them to be rung when necessary, and at the same time communicate to Her Majesty's Consul the circumstances under which the community is then called together.

They recommend that a passage in the river be kept clear for the approach of ships' boats and the landing of their crews, and for the stationing of chop-boats in times of riot and confusion. They earnestly recommend that all British residents forthwith enrol their names with the committee, pledging themselves to assemble as hereinafter stated, to follow the orders of the chiefs appointed, and without their orders to take no offensive measures whatever.

They recommend that the residents so associating themselves meet at least once a-month with their arms for inspection, that the members of the association at the sound of the alarm bells pledge themselves to repair as quickly as possible to the appointed places with arms and ammunition, but not with loaded fire-arms except in cases of urgent necessity, nor shall they load their fire-arms without the order of the chief appointed or acting. An escort will be sent for those gentlemen whose residences may be so situated as not to admit of their coming to the place of rendezvous in safety.

Your committee recommend that the respective divisions when enrolled elect their chief.

They recommend that these chief divisions be formed, which may be subdivided as may hereafter be found convenient. To consist of—

The residents in the new factories who shall assemble at the south end of those factories.

The residents in the Chow Chow, Old Company's, Swedish, Imperial, Powshun, and American factories, who are to assemble in front of those factories.

The residents in Minqua hong and the adjacent and outside factories, who are to assemble in front of Minqua's hong.

The committee recommend that persons be appointed specially to superintend the removal of property in case of fire, the order of removal being regulated by the proximity of danger; and that such persons shall have authority to call upon the chief of the division for sufficient guard or escort to protect the removal. It is understood that this regulation is not intended to interfere with such private arrangements as parties may think necessary. The committee recommend that until more uniform and efficient weapons can be procured, the members of the association make use of such as they now possess, but propose to order 100 light muskets or carbines with bayonets, cartridge-boxes, and belts, zinc magazines with cartridges, and to have manufactured here fifty pikes for the use of the Parsee gentlemen, who do not use fire-arms, these arms to be delivered to the members of the association on payment of cost. The committee recommend that a sufficient number of placards or large lanterns be made, to be suspended on suitable stands with short emphatic notices in Chinese, warning the populace not to approach the factories, and that these be suspended at the avenue leading thereto, when it is necessary to call out the members of the association.

The committee propose to place themselves in communication with

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some of the leading shopkeepers in Old and New China-streets, with the hope of inducing them to close the gates at the extremity of those streets on the occurrence of any disturbance, themselves to place guards there and display the warning notices suggested, and this being done to keep themselves and household as much within doors as possible.

The committee propose that the extraordinary expenses incurred for the removal of property shall be charged rateably on such property, according to its value. As the arms proposed to be ordered will be paid for individually by the members of the association, the measure recommended will be very unexpensive, the cost of the fire-engine being the only item of importance.

It is understood that all measures are intended to be taken in case of disturbance, under the sanction of Her Majesty's Consul.

Canton, July 13, 1846.

Inclosure 6 in No. 18.

Consul Macgregor to Sir John Davis.

Sir,

Canton, October 25, 1846.

I HAVE the honour of submitting to your Excellency inclosed copies of my correspondence with the British merchants on the subject of their having organized themselves into an armed body, for the purpose of self-defence against possible riots.

I have only time to add for your Excellency's information, that the person who has hitherto instructed foreigners in the management of fire-arms having departed, I do not entertain the least apprehension of any display being made likely to irritate the public mind.

On the other hand alterations are making in the halls of the Consol House (in the immediate vicinity of the factories), which I understand are to be converted into barracks for a strong military force to be permanently stationed there for the more effectual protection of the foreign residents, which seems to preclude the necessity on their part of resorting in future to any measures of self-defence in the event of popular disturbances.

I have, &c.

(Signed) FRANCIS C. MACGREGOR.

No. 19.

Sir John Davis to Viscount Palmerston.—(Received December 29.)

My Lord,

Victoria, Hong Kong, October 29, 1846.

WITH reference to the subject of my despatch of the 28th instant, I have received the inclosed letter from Mr. Compton* to be forwarded to your Lordship. The fine which he says was levied by the Consul was in fact levied by myself, after a view of his own and others' depositions. It was by my order, under Ordinance No. 5, inclosed to your Lordship.

It will be difficult for Mr. Compton to prove that he did not excite the tumult, as, except for his violent acts, the tumult would not have taken place. Keying has adopted effectual means of protection only since the fine was announced.

I have, &c.

(Signed) J. F. DAVIS.

* See Correspondence with Mr. Compton.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, January 12, 1847.

I HAVE received your despatches of the 12th and 28th of October, and with reference to those parts of them which relate to the measures which the British residents at Canton are taking for their defence against attacks by the Chinese mob, I have to state to you that I do not think it advisable to discourage the British residents from forming themselves into an armed association for their common and mutual defence against such attacks. On the contrary it seems to me that such a measure is wise and expedient, as it appears certain that in the present state of things at Canton, the only effectual restraint upon the violence of the mob must be found in their conviction that the foreigners are able and prepared to make aggressors pay dearly in their persons for any attempted attack.

I consider that Mr. Consul Macgregor proceeds on an entirely erroneous principle in thinking that organization for defence is dangerous by tending to irritate the mob. The foreigners should of course abstain from any act of aggression or provocation towards the Chinese, but they are much more likely to be attacked if they are unable to defend themselves, than if they are prepared to resist aggression. There is no greater incentive to outrage on the part of the turbulent and lawless, than a belief that the persons whom they would like to insult or to plunder, may be assailed with success, and plundered with impunity.

I am, &c.
(Signed) PALMERSTON.

Sir John Davis to Viscount Palmerston.—(Received January 23, 1847.)

My Lord,

Victoria, Hong Kong, November 12, 1846.

REFERRING your Lordship to my former despatch of 28th October, I have the honour to forward additional correspondence with the Chinese Government on the late disturbances.

Inclosure 1 contains the substance of the report made by Messrs. Macgregor and Johnston, after their investigation of the circumstances attending the death of the three Chinese. It especially points out the concurrence of all other foreigners with the English in opposing the attacks of the Chinese mob, and refutes the exceedingly unfair and improper attempt to confine the charge and the odium exclusively to our people.

The reply to the foregoing and my rejoinder I have deemed it expedient to publish for the information of British subjects in the Chinese dominions. The difficulties to which I am personally reduced by these occurrences are a small portion of the evil; but I feel that I cannot too strongly demonstrate to our merchants the necessity for abstaining from that contemptuous and aggressive conduct towards the natives of China which has already driven the trade from Foo-chow-foo, and threatens to have the same effect at Canton. It is in this point of view that Mr. Compton's repeated acts of violence, in spite of formal warnings, assume their proper hue. I need only refer your Lordship to Mr. Consul Alcock's notice to British subjects at Foochow, herewith inclosed, to show the extreme importance of restraining that violent demeanour towards the natives so unfortunately characteristic of our countrymen.

I have, &c.
(Signed) J. F. DAVIS.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, October 31, 1846.

I BEFORE informed your Excellency that I would depute officers to Canton to make inquiries respecting the persons who fired in defending the factories on the 8th July.

These persons having finished the investigation have reported as follows.

The principal attack was made by the Chinese mob upon the residence of Mr. Church, a merchant. They broke the windows, and one man was seen endeavouring to remove the iron bars from a lower window, in order that he might enter and pillage. Fire was also thrown in order to burn the building. All the foreigners seeing this armed themselves, and when the Chinese pressed on in greater numbers, wounding several persons, both the English and Americans and the foreigners of other nations were obliged to fire. None of these foreigners deny or conceal their having done so, because they only defended their dwellings from being pillaged and burned. In no country is it necessary to submit to this.

The American narrative which I before sent to your Excellency agrees with the above.

It appears that the Chinese soldiers arrived at 10 o'clock, after which no more firing took place. Had these soldiers been present immediately after the commencement no Chinese would have been killed, because it would not have been necessary for the foreigners to use fire-arms. The Consul informs me that the neighbourhood of the factories has now been cleared of stalls and hucksters, and it may therefore be hoped that no more disturbances will take place. If your Excellency restrains the Chinese, I shall be able to restrain the English; but if the populace are encouraged by the Treasurer and the Judge of Canton (as in the last year) to hate and oppose foreigners, then our people will constantly fight together, many persons will be killed, and your Excellency and I can only write notes to each other. It appears to me that officers like the Treasurer and the Judge should be reported to the Emperor, as the encouragers of bloody feuds and mutual troubles.

I have hitherto abstained from moving many ships of war into the river; but if it should be very plain that the Chinese Government cannot restrain the people, then it will be necessary to protect the English, and I cannot be blamed if I am obliged to act in this manner against my inclination. I sincerely hope that mutual tranquillity will prevail for the future.

I conclude, &c.
(Signed) J. F. DAVIS.

Inclosure 2 in No. 21.

Commissioner Keying to Sir John Davis.

(Translation.)

KEYING, High Imperial Commissioner, &c., and Hwang, Lieutenant-Governor of Kwangtung, &c., send the following reply to the Honourable Envoy respecting a letter they received about an officer being deputed to Canton for investigating the circumstances of the outbreak on the 8th July.

[Here follows a full extract of that paper.]

We remembered, on perusing the above, that you the honourable Envoy in a previous despatch stated that you were sending an officer to the Provincial City to ascertain who were the persons that fired. It does not however appear in your present communication that the foreigners who fired so as to occasion loss of life were found out.

Every stranger as well as native is aware that this occurrence took place because Compton gave rise to the disturbance, and that therefore the mob not without a cause, attempted to burn and pillage. The people fell, one at the entrance of Tik-hing-street, another at the bottom of Tung-wan-street, and a third at the bottom of Tsing-yuen-street, and not at Chung-wo hong, where the affray originated. It is therefore clear that the foreigners committed homicide intentionally, and not in defending the space in front [of the factories]. Those killed were all of them people that earned an honest livelihood, and by no means ruffians; still you call them in your letters a vagabond mob, which is indeed doing them injustice. Had the Chinese military been previously informed that the people were on the eve of an outbreak and disturbance, they would have taken beforehand precautionary measures. But it was Compton that collared an ordinary man, bound and beat him, and thus rousing the indignation of the multitude, constituted himself alone by his rashness the author of this disturbance. Yet in your despatch you still blame also the tardiness of the soldiers in quelling the uproar, and throw upon them too much responsibility.

Not only do you the honourable Envoy vigorously protect the British merchants in China, who are here for the sake of trade, but we the Great Minister and Lieutenant-Governor also exert ourselves to procure them quietness. This ought however to be done in a complete manner and justly, so as to render the Chinese submissive, and then both parties will live in peace and be kept from all harm. It is vain to attempt putting down the Canton people by main force without a show of reason, for their numbers are too great, and defy the application of physical force.

To sum up the whole, we ought to act with equity, and maturely think about the steps to be taken. As the foreigners have destroyed the lives of several Chinese, and not behaved in conformity to the Treaty, the Chinese are filled with hatred and deep ill-will. How have we to act if a foreigner should lose his life on a future occasion?

If you the honourable Envoy would decide this affair, and manage it speedily according to the Treaty, it would be very fortunate. It is however of the highest importance not to give heed to mere rumours.

You the honourable Envoy will have heard that we the Great Minister and Lieutenant-Governor have established near the foreign factories a perpetual military post for the protection [of the inmates]. But we must at the same time settle this case of loss of life with equity, and the hatred and ill-will of the Chinese will be allayed, and no unforeseen disturbances will ever take place.

Whilst sending the above we wish you much happiness, and address the same

To his Excellency Her Britannic Majesty's Plenipotentiary, Sir John F. Davis, Bart., &c.

Taoukwang, 26th year, 9th month, 19th day. (7th November, 1846.)
Received 9th instant.

Inclosure 3 in No. 21.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, November 10, 1846.

I HAVE to acknowledge the receipt of a note from your Excellency jointly with the Lieutenant-Governor, dated the 7th instant. However culpable the repeated acts of violence on the 4th and 8th of July, it appears on record that Consul Macgregor at least did his duty by giving formal warning of the probable consequences of similar conduct on the very day preceding the 4th. I have reported to my Government the fine I ordered on the exciter of the riot, and it will be sufficiently clear that I did what the case required.

I have often told your Excellency that the mixed company of the foreigners of all nations, who combine to defend their persons and pro-

perty. were compelled to fire for the safety of their lives. But under any circumstances you must be aware that I have no authority except over British subjects; and I repeat my previous declarations, that I cannot acquiesce in the continued attempts which have been made to charge the homicides exclusively on them. It would moreover be useless to distinguish any particular individuals among a crowd who, acting solely in defence of their lives, can scarcely be considered as culpable in any degree.

It is notorious that the lamentable deaths of three subjects of China might have been prevented had the soldiers arrived immediately after the tumult began, instead of delaying for about three hours afterwards. If they were not answerable for the commencement of the disturbance, they certainly were greatly so for its continuance and consequences.

It is satisfactory to learn from your Excellency and from Consul Macgregor, that a guard is being established in the neighbourhood of the foreign factories. I will take the most efficient measures in my power to restrain those under my authority, and I am resolved to afford no protection to such as do not deserve it. This care however must be strictly mutual—Chinese must be restrained as well as English; and I once more repeat my previous solemn warnings, that all damage from the populace, sustained by inoffensive British subjects, must be made good at Canton, as it was at Foochow.

I take occasion to renew to your Excellency the assurances of my highest consideration.

(Signed) J. F. DAVIS.

Inclosure 4 in No. 21.

Consul Alcock's Notification to the British Community at Foo-chow-foo.

HER Britannic Majesty's Consul has received from his Excellency the Treasurer and Superintendent of Trade for the Ports of Foochow and Amoy, a communication complaining that on the 18th June, sailors belonging to the crew of the brig "William" got intoxicated, took fruit without paying for it, and finally pushed the stall into the river, and randomly beat whatever person they came in contact with, creating a serious disturbance, and calling for the interference of the Chinese authorities. It is further stated that another instance occurred on the 15th instant, when five sailors of the schooner "Wave" proceeding from the hong rented by Mr. Hacket, got intoxicated, and with arms in their possession quarrelled with and fought some Canton sailors, requiring the military force of the adjoining station to be called out.

Other complaints are made which the Consul forbears to particularize, as to the firing of muskets in the suburbs, keeping sailors who belong to no ship in port at the hong's inhabited by British subjects, and other acts of imprudence, to say the least.

Her Majesty's Consul notices these irregularities and acts of violence on the part of persons subject to the control of Englishmen with extreme regret. It might have been supposed that the destructive riots which lately ensued from apparently more trivial causes, would have served as a serious warning, and made any measures on the part of the authorities, English or Chinese, to prevent such disgraceful outrages, quite unnecessary.

Late information, however, leads the Consul to believe it more than probable that similar unwarrantable conduct on the part of the Lascar crews of vessels lying beyond the limits of the port, may have been long in operation, and have mainly contributed to the sudden, violent and apparently inexplicable outbreak on the part of the whole population of a district, which not only put in jeopardy the persons and property of the British residents on the spot, but ruined the commercial prospects of the

only merchant established here, and retarded all development of legitimate trade for an indefinite period.

Such and so serious are the evils resulting from the disorderly, violent, and in every way imprudent behaviour of the Lascar crews. When it is remembered that they do not belong to any vessel within the limits of the port, or visiting it for any ostensible or legitimate purposes of trade, it cannot be matter of surprise that the Chinese authorities, immediately after payment of 46,000 dollars to some four British subjects—three of whom belonged to these vessels—for losses occasioned by popular violence, should make earnest and indignant remonstrance against those alike who commit outrages tending to similar outbreaks, and their masters, whose business it is to control them, and who by treaty are made responsible for the acts of those who serve under them. Still less is it matter of surprise that they should call upon Her Majesty's Consul to take energetic and effective steps to put a stop to such proceedings; and acknowledging the reasonable nature of the request, he would ill discharge the duty he owes his Government, if he hesitated for a moment to exercise whatever power has been confided to him for the purpose of maintaining a friendly understanding with the Chinese, and upholding the faith of treaties.

With this view, Her Majesty's Consul informs all British subjects at Foo-chow or its vicinity, that the masters of vessels lying permanently outside the limits of the port are prohibited from sending up their ships' boats or crews to Foo-chow, except in case of emergency, and for the purpose of communicating with the Consul. They are further enjoined to prevent their men landing within the limits of the port on any plea or pretence; and if any of the crew should be discovered infringing this order, the master of the vessel and the men will alike be proceeded against for a misdemeanour, and the highest penalties inflicted.

Any British subject, whether permanently or temporarily resident at Foo-chow, will be held responsible that no individual takes up his residence in the hong he himself inhabits, except those duly registered as forming part of his establishment and under his control. He will also give peremptory orders that none of his establishment go about the street with arms or offensive weapons about their persons and exposed to view.

All firing of muskets and discharge of fire-arms, either from boats in the immediate vicinity of the hong inhabited by British subjects, or from the windows of the hong, is strictly prohibited, since it cannot fail to be attended with some risk in a crowded suburb, and is otherwise calculated to cause erroneous impressions or alarm to the inhabitants and neighbouring authorities, who have received strict injunctions to watch over the peace and quietness of that district.

It having been asserted that the practice of assaulting and killing dogs in the streets has been resorted to either by British subjects or their dependents, the Consul, however unwilling to believe that such injuries have been inflicted except in self-defence, nevertheless deems it necessary to observe, that it is difficult to conceive any conduct better calculated to create a hostile feeling towards the English on the part of the Chinese than that which had been attributed to them. It could not be pursued with impunity in England or any other civilized country, and cannot therefore be justified here.

On one other point a word of caution seems necessary. Some of the late mischievous feeling manifested towards a portion of the residents by the Chinese among whom they were living, there is much reason to believe may be traced to the overbearing and insolent tone of servants—and particularly Canton men—who on their own account are looked upon with no favour by the Foo-chow people, and are moreover charged with the management of their masters' affairs, with making bargains for chair-hire, boat-hire, &c., and subsequently paying according to their own arbitrary estimate of what may be reasonable, and if remonstrance is made immediately replying by blows. Certainly if any such instance came before the Consul, the utmost sum agreed to should be exacted for the Chinese Coolie, and the breach of faith and violence be further dealt with. It is important

therefore that all these should distinctly understand that so far from being entitled to protection from the British Consul, if they are guilty of any act of fraud or violence, he will be the first to hand them over for punishment to their own authorities. The British flag protects them only during good behaviour.

To the British residents themselves, Her Majesty's Consul conceives it unnecessary to enjoin a conciliatory spirit and bearing in all their intercourse with the Chinese. A just sense of what is due to themselves and to the interest at stake will, he confidently relies, leave nothing further to be desired on that head. He would only remark, it is equally imperative on the few British in this vast population not wantonly to give offence, and not unnecessarily to take it.

(Signed) RUTHERFORD ALCOCK.
British Consulate, Foo-chow, June 24, 1846.

No. 22.

Sir John Davis to Viscount Palmerston.—(Received January 23, 1847.)

My Lord,

Victoria, Hong Kong, November 12, 1846.

THE late ferment among the English merchants at Canton, in consequence of the fine I ordered on Mr. Compton, may perhaps not greatly surprise your Lordship, who were cognizant of the proceedings of Mr. Innes under Captain Elliot, and who perhaps heard the evidence of Mr. Inglis, another merchant, who declared, "We never paid any attention to any law in China that I am aware of*."

The importance of possessing the means of a summary restraint on the conduct of our people, in that very peculiar position wherein we exercise a foreign jurisdiction in an independent territory, probably dictated that clause of 6 and 7 Victoria, cap. 80, by which an order of Her Majesty in Council has the force of law in China.

I am not the first who has been compelled to remark that it is more difficult to deal with our own countrymen at Canton, than with the Chinese Government; and I offer the best proof of this in the fact that it has cost me infinitely more trouble to make Mr. Compton pay a fine of 200 dollars, than to obtain a compensation to our merchants of 46,000 dollars for losses which accrued partly from their own misconduct. The inclosed copy of the deposition signed by Mr. Compton himself admits the whole of the repeated acts of violence for which I fined him. He even adds this confession, "That these circumstances led to the riot is very probable." It appears to me that this deposition fully authorized my ordering the fine on complaint of the Chinese Government. Consul Macgregor might have fined Mr. Compton, and ought to have done so, on the first commission of the offence, but he did nothing until my return from Chusan, nearly a month after the occurrences, when I was obliged to take the question up, on the requisition of Keying. What deprives Mr. Compton of all excuse for his repeated acts of violence, is the fact that the inclosed was expressly addressed to him, and others on the 3rd July, the very day before his first outrage on the Chinese.

The next inclosure is a letter from Mr. Compton to myself, by way of protest against the fine, which the Consul declined to forward on account of its disrespectful tenor, but which on its being sent to myself I did not return. His endeavour to represent his proceedings as partaking of the character of mere common assaults can hardly be maintained. Repeated acts of violence, after previous warning, in a place like Canton, where the natives and foreigners are in a state of hostility, and the Government can scarcely restrain its subjects, were naturally followed by results very different from those of common assaults, and seem to me to render the exercise of my powers under the Consular Ordinance No. 5, not only justifiable but necessary. The acts were committed on a foreign territory, and

satisfaction was demanded by the Government which had yielded to us its inherent rights on its own soil.

It was in my despatch of 26th September, that I reported to your Lordship the fine of 200 dollars, which I had ordered on Mr. Compton. This order had been carried out two days before on the 24th by a letter from the Consul, in which he named the wrong Ordinance, a fact which I did not learn until the 16th October. He has admitted this to have been "his own error," and I can hardly be responsible for the mistakes of the Consul. Should Mr. Compton obtain impunity on this ground, what will be the feeling of the Chinese Government, or the future demeanour of our own people towards the Chinese.

Mr. Compton, it appears, applied for the judgment of the Court, and an application was made to my Secretary for the recorded evidence from Canton. I could perhaps have denied the jurisdiction of the Court under Ordinance No. 5, but this might have been construed into a desire to conceal the evidence, or it might have brought me into unseemly collision with the judge, a contingency much to be deprecated on every ground. I accordingly directed the inclosed reply to be returned, stating that the Consul had been authorized to supply the evidence, and drawing Mr. Hulme's attention to my letter* and inclosure of the 27th October, as noticed to your Lordship in my despatch of 26th October.

The evidence was transmitted by Mr. Consul Macgregor, with a letter of which I beg to inclose the copy. This embodies at once the charges and complaints of the Chinese Government, and the results of the evidence in reply to them. By his own deposition, Mr. Compton kicked over the stall of the Chinese vendor, because it stood in his way, on the 4th July, an outrage which nearly produced a tumult the same day. By his own deposition he at least handled the person of the Chinese officer whom he brought to the spot. He commenced another dispute on the 8th July following, by pushing a Chinese aside; and when the Chinese resented this, he beat and dragged him into an adjoining building, where he tied him up. This he confesses "probably led" to the *émeute* of that day, in which three Chinese were shot.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 22.

Deposition of Charles Spencer Compton, taken before Her Majesty's Vice-Consul, relative to the riot on the 8th July, 1846.

CHARLES SPENCER COMPTON, a native of London and a merchant residing at intervals in Canton for twenty-four years, having been cited to depose as to certain charges preferred against him by the Chinese authorities, handed in a written declaration addressed to Her Majesty's Consul of the circumstances as they occurred on the evening of the 4th and 8th instant of which the following is a transcript: "In reply to the charges preferred against me in your letter of the 25th instant I beg to say:—

"On or about the 4th instant, when passing through the street referred to it was as usual crowded with stalls and every nuisance which has been complained of officially and privately for so long a time by the foreign residents, being in direct infraction of the regulations made by the Chinese authorities for the prevention of disturbances, and published July 12, 1844. I desired one man to move out of the way, he did not do so, and I kicked his stall down, a piece of granite then struck me on the head, I picked it up and went to the guard-house where several of their people were sitting at the door observing what was going on but not stirring to interfere. I showed one (who was possibly the military

* This letter has not been sent home, but it appears to have inclosed a copy of Sir J. Davis's letter to Consul Macgregor of October 22.

officer) the stone and by signs told him to remove the stalls and people who were obstructing the path; he merely laughed. I took him by the arm and led him down amidst the crowd again repeating my signs that they should be dispersed; he said something to them unintelligible to me; and I then went into the guard-house and desired the name of the officer whose duty it was, according to the regulations referred to above, to keep that thoroughfare clear, that I might make a complaint against him—at that moment you passed, Sir, and I related the circumstance to you. I deny having beaten the military officer, or that any one came out to speak to me until I went to the guard-house as above stated.

“On the evening of the 8th instant, when passing through the same street which was more than usually obstructed, I did not observe any foreigners wrangling with a Chinese, nor did I strike any one until I was first struck by a man whom I had pushed aside that I might pass, he then picked up a large stone and threw it my head which I avoided; I seized him and took him into the Chungho hong where I tied him up, and then immediately went into an office close by and addressed a letter to you stating the facts. On my return to the place where I had left him, he had escaped. I deny having struck him after he was in the hong.

“That these circumstances led to the riot is very probable, but the consequences of it are chargeable to the apathy of the Chinese authorities who do not enforce their police regulations to prevent disturbances, and to their tardiness in not coming to the spot to suppress a tumult until foreigners are compelled to resort to extreme measures in defence of their lives and property.”

Being asked if he was aware of the crowd outside Minqua's hong having been cognizant of the escape of the man whom he had attempted to secure for the purpose of handing him over to the authorities, he replied that they could not but have been perfectly cognizant of it, inasmuch as the man escaped by the same gate at which he was carried in, and was observed for some minutes after among the crowd gesticulating to them. Deponent desires to state further, that Mr. Dudgeon who witnessed the whole affair from the windows of the billiard-room at which he was standing, and who consequently could depose more fully respecting the origin of the affray than the witnesses who now accompany him, being absent at Hong Kong, he wishes his declaration to be taken on his return.

(Signed) CH. SP. COMPTON.

Deposed before me, at the British Consulate, this 27th day of July, 1846.

(Signed) R. B. JACKSON,
Her Majesty's Vice-Consul.

Inclosure 2 in No. 22.

Consul Macgregor to Mr. Compton and others.

(Extract.)

Canton, July 3, 1846.

TOUCHING the concluding paragraph of your letter it may be proper to remark that, besides the personal risk and inconvenience that would result from a collision with the natives, considerable loss of property might be involved, and then the Chinese Government could not be held accountable for the indemnification of losses occasioned by an outbreak of a lawless and unmanageable rabble, if provoked to disorder by acts of violence originating among ourselves. I fully rely on your prudence and discretion to avert such a catastrophe.

Mr. Compton to Sir John Davis.

Sir,

Canton, November 5, 1846.

I HAVE the honour to acknowledge receipt of a communication made to me by Her Majesty's Consul, under your Excellency's instructions to him dated the 22nd ultimo, in reply to which I considered the proper course was to address myself to that gentleman in a letter dated 2nd November, which he has returned to me, intimating that the proper mode of proceeding is to address your Excellency direct; and I therefore now have the honour to do so.

I find that your Excellency insists on directing Her Majesty's Consul to retain the fine levied on me confessedly in error, and not according to your Excellency's instructions. It is difficult for me to surmise at what period your Excellency's instructions to fine me under Ordinance No. 5 for an infraction of the Treaty reached Her Majesty's Consul, since his sentence under Ordinance No. 2 was passed on the 24th of September, and on the 6th October he informed me he had then received your Excellency's confirmation of that sentence, which however your Excellency states was not transmitted by him until the 16th of the same month. However, after the sentence had been executed it seems to have been discovered that the Ordinance No. 2 of 1844 did not justify it, certain important forms not having been complied with, and the forms enjoined by No. 7 also not having been observed, and it being necessary to vindicate the act by some ordinance, your Excellency instructed Her Majesty's Consul to declare the sentence to have been intended to be under Ordinance No. 5. To apply that ordinance to my case, your Excellency accuses me of having infringed Article XIII of the Schedule accompanying it; according to which you state it was my duty, having a cause of complaint, to represent the same to Her Majesty's Consul, and assume that I did not pursue that course; by which it appears you are very imperfectly acquainted with the facts of the case communicated to Mr. Macgregor in my letter of 27th July, which has been so improperly used against me as evidence, for to him, who passed by at the time of the occurrence, I did complain of an annoyance which I and my brother merchants had frequently before brought to his notice.

I maintain however that the clause of the regulations cited is inapplicable to my case; the words are, "Whenever a British subject has reason to complain of a Chinese, he must first proceed to the Consulate and state his grievance,"—the meaning clearly being in commercial disputes or differences only. And that this is the correct interpretation of the words is established by the marginal abstract: "Disputes to be settled, if possible, amicably by arbitration." The Article goes on to point out the manner in which representations to the Chinese Government are to be made by merchants, and finally the distinction between commercial disputes and personal wrongs is clearly drawn in the concluding sentence, which declares, "Regarding the punishment of English criminals the English Government will enact the laws necessary to attain that end, and the Consul will be empowered to put them in force."

Those laws have been enacted, and Ordinance No. 7 of 1844 is no doubt the law under which I ought to have been tried, and which repeals all former enactments inconsistent with it. Further, the power granted to your Excellency under the Ordinance of Sir Henry Pottinger, No. 5, empowers the Superintendent to punish only offences against the Treaty which are not punishable by the law of England. The offence charged against me cannot be so classed.

I deny respectfully but strongly that there was a full and fair inquiry into my case. It was either decided without evidence, or upon evidence which Her Majesty's Consul gave me no opportunity of disproving, and of which he has declined to furnish me with a copy.

From the manner in which the trifling offence which alone can be

proved against me, has been dragged into connection with the alarming riot of the 8th July, it would be supposed by any one unacquainted with the facts that these events immediately followed my act, and not that the riot did not take place until four days afterwards, during which time I had repeatedly passed the same place unmolested! Yet it is gravely stated that the upsetting of a fruit-stall on the 4th of July, was an infraction of the Treaty between Great Britain and China, and in four days time brought forth riot and bloodshed!

I now, Sir, take leave of this discussion, solemnly protesting against the infringement of the liberty of the subject in my person. The law gave Her Majesty's Consul full power to treat my case, but left me an appeal against injustice, and the opportunity of clearing my character of the stigma cast upon it by the infliction of the highest pecuniary penalty the law would warrant. Your Excellency has set aside the law, and to justify the illegal sentence passed on me has aggravated my offence by imputing to me, without evidence and on a false assumption, charges of a nature repugnant to my feelings. In thus assailing my private character in a public despatch published on the day before the departure of the mail for England, I was precluded from publishing my defence by the same opportunity. Your Excellency has thus added injury to injustice, and the conventional forms of office for the regulation of correspondence with public officers alone prevent me from giving utterance to my outraged feelings on the subject.

I have, &c.
(Signed) CHA. SP. COMPTON.

After a careful perusal of the preceding letter, addressed to His Excellency Her Majesty's Plenipotentiary and Superintendent of Trade, &c., by Mr. Charles Spencer Compton, I find its tendency and language to be such as would not justify me in giving countenance to the same by becoming the medium of its transmission to his Excellency, without infringing upon that respect which is due by every British subject to the highest functionary of Her Majesty in this country. On returning it, therefore, to Mr. Compton with an expression of my unqualified disapproval of its contents, I leave it to him to pursue such course in the matter as he may judge proper on his own responsibility. Witness my hand and seal of office at Canton this 6th November, 1846.

(L.S.) (Signed) FRANCIS C. MACGREGOR,
Her Majesty's Consul.

Inclosure 4 in No 22.

Mr. Caine to the Registrar of the Supreme Court.

Sir,

Victoria, Hong Kong, November 3, 1846.

IN reply to your letter of yesterday's date, which has been submitted to his Excellency Her Majesty's Plenipotentiary and Chief Superintendent of British Trade in China, &c., I am, in Mr. Johnston's absence, commanded to inform you that his Excellency has already authorized Her Majesty's Consul at Canton to furnish the recorded evidence against Mr. Compton, and on which evidence, as compared with the complaints and charges of the Chinese Government against Mr. Compton, his Excellency himself ordered the fine to be levied, as he reported to Her Majesty's Principal Secretary of State for Foreign Affairs. In connection with this subject, his Excellency has to call the attention of the Chief Justice to his letter and inclosure of the 27th October.

I have, &c.
(Signed) W. CAINE.

Consul Macgregor to the Registrar to the Supreme Court.

Sir,

Canton, November 6, 1846.

IN conformity with the permission received from his Excellency Her Majesty's Plenipotentiary, &c., I have the honour of transmitting to you inclosed for the information of the Supreme Court, the depositions taken in the case Mr. Charles Spencer Compton, in consequence of various complaints made against him by the Chinese Government, connected with the late riots, and of which the following is the substance.

1. That Mr. Compton on the 4th July, at the door of the guard house in Old China-street, kicked to pieces the stall furniture of a fruiterer at that place; and

2. That on the military officer Lefungtseang going out to stop him, he struck the latter with a cane which he held in his hand.

3. That Mr. Compton again on the 8th July following, descending from the upper story of the (Chungho) hong with a cane, officiously interfered in a dispute between a foreigner and a vendor of plums at the entrance of the Old China-street, inflicting random blows upon the person of the said fruiterer.

4. That Mr. Compton in the course of the quarrel laid hold of a Chinaman and took him into the Chungho hong, where he tied and beat him.

5. That he excited the assembled mob by his violent and perverse conduct, and thereby caused the late popular disturbance which ended in an affray with the foreigners, in which several Chinese were killed and wounded by fire-arms.

It will be observed that the evidence referred to in the premises consists of four depositions marked from one to four before Mr. Jackson the British Vice-Consul at Canton, by Mr. Compton the defendant in this cause, and three witnesses, namely, Mr. Gilman, Mr. Ellice, and Mr. Dudgeon. After having carefully examined and compared the same with the elucidations supplied at various times by the Chinese high authorities in their official correspondence with me on the subject, I found

Ad 1, that Mr. Compton did kick down the stall furniture of the fruiterer on the 4th instant, at which wanton and unprovoked outrage the assembled mob felt so indignant that a disturbance would have taken place that evening but for the opportune intervention of some of the compradores and householders of China-street who, called to the spot by the Tepaou or District Overseer, succeeded in appeasing the people, by which means the impending danger was for this time averted, though it was provoked by the same individual only four days after.

Ad 2, that the charge of Mr. Compton having inflicted corporal chastisement on the officer Lefungtseang does not appear to be sufficiently proved, although he handled his person.

Ad 3, that there is some mistake in the plaint in which the persons of Mr. Compton and Mr. Dudgeon seem to have been confounded together. It was evidently Mr. Dudgeon who looked out of the window in the upper story of the Chungho hong (where the merchants have a billiard room) at the commencement of the fracas in the street below—it was Mr. Dudgeon who descended and not Mr. Compton as alleged in the said plaint. It was not therefore some other foreigner in whose quarrel Mr. Compton is alleged to have interfered, but it was Mr. Compton himself who, having been engaged in an affray, was joined by Mr. Dudgeon who hastened down to his assistance as aforementioned.

Ad 4, that it is proved that Mr. Compton did return the blow of the Chinaman who had struck him in consequence of having been pushed aside by Mr. Compton; that the latter did also seize the Chinaman and (with the participation of others) dragged him into the Chungho hong, where he tied him up and imprisoned him without any warrant or authority, until the man regained his liberty. That Mr. Compton ill-treated

him while in confinement, though charged by the Chinese authorities, is not proven.

Ad 5, that the acts of violence committed on the 4th and 8th July successively by Mr. Compton cannot but be considered as the main exciting cause of the popular outbreak on the last-mentioned day, succeeded by the lamentable loss of life by fire-arms already alluded to, for which satisfaction is still required by the Chinese authorities.

Having been directed by his Excellency Her Majesty's Plenipotentiary to fine Mr. Compton 200 dollars for his misconduct in the two repeated instances, I accordingly levied a fine upon Mr. Compton to that amount, for which the inclosed despatch from his Excellency Her Majesty's Plenipotentiary, marked No. 5, and communicated with his permission, is my warrant.

I also transmit to you for the information of the Supreme Court, sub No. 6, a copy of my sentence* for the above fine as entered in the Book of Records kept at this office. The quoting of Ordinance No. 2 for Ordinance No. 5 was my own error.

The reasons which, upon consideration of all the facts on international grounds, guided his Excellency in ordering the fine to be imposed are stated in his Excellency's public notice of the 29th October last to Her Majesty's subjects within the Chinese dominions. I will only add, in conclusion, that Mr. Compton was warned by me only a few days previous to the first outrage committed by him, of the consequences likely to result from an outbreak of the populace, if provoked to disorder by acts of violence originating among ourselves, as will appear from the extract of a letter I addressed to Mr. Compton and others on 3rd July last.

I have, &c.

(Signed) FRANCIS C. MACGREGOR.

No. 23.

Sir John Davis to Viscount Palmerston.—(Received January 23, 1847.)

My Lord,

Victoria, Hong Kong, November 21, 1846.

AFTER the "Nemesis" steamer had been anchored for three months off the factories at Canton, and measures had been taken by the Chinese Government for insuring order, I entirely concurred with Rear-Admiral Sir Thomas Cochrane in deeming it right that the steamer should be withdrawn, as her remaining, under present circumstances, would only foster the insolent and aggressive spirit of the ill-disposed among our merchant residents. The foreigners of other nations have never demanded such protection from their Governments, and their better conduct renders them less desirous to seek it.

I have received since the departure of the "Nemesis" the inclosed despatch from Consul Macgregor, with a communication from Keying.

I have, &c.

(Signed) J. F. DAVIS.

* Sentence passed upon Mr. Compton.

[From Supplement to "Overland Register" of November 23, 1846.]

As entered in the book of records kept at this office under date 24th September, 1846, p. 184.

In the matter of certain complaints preferred by the Imperial Commissioner and Governor-General of this province against Mr. Charles Spencer Compton, merchant, connected with the disturbances of the 4th and 8th July of the present year.

In conformity with Section 6 of Ordinance 6 and 7 Viet., Reg. No. 2 of 1844, and on the strength of the evidence before me, from which it appears that the said Charles Spencer Compton has committed various acts injurious to our friendly relations with the Chinese Government and people, I have passed judgment this day in a summary manner; and I do hereby sentence the said Charles Spencer Compton in particular for having on the 4th July last kicked down the stall furniture of a fruiterer at the bottom of Old China-street, to pay a fine to Her Majesty the Queen of two hundred Spanish dollars.

Canton, the 24th September, 1846.

(Signed)

FRANCIS C. MACGREGOR,
H. B. M. Consul.

Inclosure 1 in No 23.

Consul Macgregor to Sir John Davis.

Sir,

Canton, November 18, 1846.

WITH reference to my despatch No. 107, I have the honour of inclosing to your Excellency, in original and translation, the answer I received from the Imperial Commissioner under date of the 14th instant, to my letter announcing the departure of the steamer "Nemesis," judging it of importance that you should be informed of its contents as conveying an official communication of the arrangements which have been made by the Chinese authorities and are to be carried out for the preservation of public tranquillity in this city.

I am happy to add that nothing has happened since my last communication indicative of a disposition on the part of the people to disturb that tranquillity. A military post is still stationed in Old China-street South, and measures are adopted to keep order and prevent a large concourse of people at that place.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 2 in No. 23.

Commissioner Ke and the Governor of Kwangtung to Consul Macgregor.

(Translation.)

KE, Imperial Commissioner, Governor-General of the Two Kwang, &c, and Kwang, Governor of Kwangtung, &c., hereby give a declaration in reply.

We have received your statement to the following effect: [here follows an abstract of the letter of Her Majesty's Consul to their Excellencies, dated 13th November, 1846, expressing a hope that they would increase their means of defence for the protection of the foreign factories in the event of a popular riot, &c.]

After examination, we find that in the month of July, when the disturbance attended with loss of life took place at the thirteen factories, we immediately dispatched officers and soldiers to guard against and suppress tumults, and that fortunately they have for several months preserved us from causes of anxiety.

Considering however that to dispatch soldiers upon the occurrence of any event is by no means a permanent plan, we have therefore, after framing the necessary regulations, appointed one military officer, a major, and one civilian, an officer having independent jurisdiction, to take charge of soldiers and police, and reside constantly in the neighbourhood of the thirteen factories, as a guard and protection, and that they may, in the event of altercations, quarrels, and disturbances between the Chinese and foreigners, be thus able, in the immediate vicinity, to ascertain the facts and arrange matters according to reason, separately dispelling the causes of discord in order to prevent their ending in exciting great evils; and orders have already been dispatched for the necessary measures to be taken in due order.

Apart from these no other preparations for protection have been made. If however a state of mutual tranquillity and absence of trouble is to have existence, it is indispensable that equity obtain in the intercourse and relations between the two countries. It is therefore necessary that you restrain the British merchants, so that they may not, like

Compton, employ violence and take a delight in overcoming others thereby exciting fights, but that they may regulate their conduct by reason and the common feelings of mankind. Both parties will then enjoy pleasure and profit in common, without depending on the defence and protection of the military and police alone. A special declaration.

For the British Consul Macgregor.

14th November, 1846.

No. 24.

Sir John Davis to Viscount Palmerston.—(Received January 23, 1847.)

(Extract.)

Victoria, Hong Kong, November 25, 1846.

MY previous numerous despatches during nearly four months will probably have convinced your Lordship that Mr. Compton, the originator of the fatal riot, had not been too heavily fined. The fine was imposed on a consideration of Mr. Compton's proceedings, not only on the 4th July in wantonly kicking over a Chinese stall, but also on the 8th following in assaulting and falsely imprisoning a subject of China, which led to the mobbing and riot. Mr. Compton had received written warning from the Consul on the 3rd July (being the day preceding his first act), of the consequences of "acts of violence originating among ourselves." His repeated violence was in spite of this recorded warning.

The amount of the fine as a penalty must be viewed relatively to the offender's station and means; and in this light, and under the aggravated circumstances of the case, it was not excessive.

The only object of the penalty being the prevention of similar violence in future, the Chief Justice must have been aware that any interference with it under present circumstances at Canton must be attended with mischief and danger.

Above all, at a moment when I am assailed by continued demands for satisfaction on account of the shooting of three subjects of China, who it is contended were slain in pursuit to a distance, and therefore not in necessary self-defence, the announcement to the Chinese Government of Mr. Compton's total impunity must be attended with the worst international tendencies.

Mr. Hulme has however entirely remitted the fine on an appeal from Mr. Compton. This was not the verdict of a jury, but Mr. Hulme's individual opinion and judgment; and I regret extremely that it was in his power to interfere. Though I cannot agree that Ordinance 5 does not refer to all disputes between Chinese and English, I have been advised to let his judgment have its course, notwithstanding its manifest evils; but some fresh ordinance will inevitably be required to prevent such mischievous interference in international cases; and with the assistance of the Legislative Council I propose taking such an ordinance into consideration. In the meanwhile I have the honour to submit for your Lordship's approval a draft of an enactment for the deportation of English offenders on the just complaint and requisition of the Chinese Government. Its inherent right I believe would be to send them out on its own part.

Inclosed with this despatch is a copy of the report of Mr. Hulme's decision and a copy of the rule. As to the law of the case, Mr. Macgregor being no lawyer, and having (like myself, in the absence of the Attorney-General) no legal adviser, has made mistakes in point of form which vitiate his sentence; and this sentence was not communicated to me until after he had sent it to Mr. Compton.

Mr. Hulme suppresses the fact that Mr. Compton provoked the blow of the Chinese by the assault of pushing him aside. He suppresses the fact of the Chinese being seized and tied up, which really caused the riot, as Keying states. He also suppresses the fact of the written warning which Mr. Compton had received only the day before his first act of violence.

I cannot better close this despatch than by forwarding the inclosed letter from Rear-Admiral Sir Thomas Cochrane, conveying the high authority of his opinion as to the disposition of the Chinese people at Canton, and what he very properly terms the bullying conduct of our countrymen. He speaks from personal investigation and experience.

I hold the highly responsible office of preserving peace between the two countries, and therefore look to your Lordship for a fair estimate of my motives in desiring to restrain the excesses of the English within the Chinese territories, where the inherent rights of the Government have been given up to us. Mr. Hulme's argument will operate I fear as an encouragement to our people to be violent in a place like Canton, where the elements of mischief are rife.

It is with great satisfaction I state that Major-General D'Aguilar, to whom I have read this despatch, requests me to add that he "entirely concurs in every word of it," and that he is prepared, as a member of the Legislative Council, to aid me in providing as much as possible against the chances of evil.

Inclosure 1 in No. 24.

Draft of proposed Ordinance for Her Majesty's Subjects within the dominions of the Emperor of China, or within any ship or vessel at a distance of not more than one hundred miles from the Coast of China.

WHEREAS the free resort of British subjects to the Five Ports within the Chinese dominions, renders it necessary to provide against any mischiefs or dangers arising therefrom to the peace and good understanding between the two countries; and whereas in consequence of the resignation by Treaty on the part of the Government of China of its inherent right to punish or order out of its dominions foreign criminals, it becomes incumbent to provide effectually for the protection of the natives of the country from injury in their persons and property:

Be it therefore hereby enacted and ordained, That on the just requisition of the Government of China, for the deportation of any British offender from its dominions, the justice of such requisition to be determined by the Chief Superintendent of British Trade, it shall be lawful for the said Chief Superintendent, by writing under his hand and seal forthwith to direct the Consul at any one of the Five Ports of trade to send any such offender out of the dominions of the Emperor of China, in the same manner as the Consul himself is already empowered to do on a second offence, and to detain in custody any such person until a suitable opportunity for sending him out of the said dominions shall present itself, and any person to be sent out of the said dominions as aforesaid may be embarked on board one of Her Majesty's vessels of war, or if there should be no such vessel of war which can be employed for such purpose, then on board any British vessel bound for Hong Kong, in the same manner as if such person were a distressed British subject.

Inclosure 2 in No. 24.

Report of the Chief Justice's decision.

Supreme Court, Tuesday, the 24th November.

The Queen v. Compton.

[From the "Hong Kong Register."]

AFTER the Chief Justice took his seat on the Bench, he inquired of Mr. Parker who appeared on the part of the Crown, if he had any cause to show why the sentence should not be set aside?

Mr. Parker said he had not.

Chief Justice—Have you anything to say?

Mr. Parker—Nothing.

Mr. Coley rose, and said he came to show cause why the sentence passed on Mr. Compton by Mr. Macgregor, Her Majesty's Consul at Canton, imposing a fine of 200 dollars, should be set aside.

Mr. Coley proceeded to read Ordinance No. 2, under which the Consul had passed the sentence, remarking on it as he went on. By section first, Consuls have the same judicial authority as Courts at Hong Kong. It is plain therefore the Consul possesses no further power than your Lordship. (The sentence passed by Mr. Macgregor was read.) To form a conclusion as to the nature of the evidence on which this sentence was passed it will be necessary to refer to the documents received from the Chinese, but these cannot be received as legal evidence, but are merely documents addressed to Mr. Macgregor.

The Chief Justice said they were official letters. In the view I shall give of the case I shall refer to them, not receiving them as proof, but merely taking them to explain the case and sentence.

Mr. Coley then read the letter of Mr. Macgregor to Mr. Compton of the 24th September, in which the latter was charged with giving rise to popular disturbance and to the disasters which followed. Now there is not a word about the disturbance on the sentence.

The Judge remarked—Not one word.

Mr. Coley—The Consul must have founded his sentence on evidence taken when Mr. Compton was not in Court. The only evidence given was that of Messrs. Ellice, Gilman, and Dudgeon, and Mr. Compton's own declaration.

The Judge—These have not even been sworn—it is therefore no evidence, but merely a statement.

Mr. Coley having read the letters on to the 15th October (No. 13* of the published correspondence), the Judge inquired if all these documents could be verified on oath?

Mr. Coley—They can. As to the statements of Mr. Gilman, &c., they were not sworn to.

Judge—They could not be so or it would be stated. Mr. Compton's statement alone can be used. Mr. Compton's deposition was made with the belief that it was only required to satisfy the Chinese authorities, and not to be used as evidence against himself, on which a heavy fine of 200 dollars was to be imposed on him. He does not deny committing the offence, for which a small fine ought to have been imposed immediately; but instead of that the matter was allowed to lie over till the 24th September, to be misconstrued and become mixed up with the occurrences of the 8th, with which it had nothing to do. This is shown by the sentence, which alludes particularly to what took place on the 4th. In regard to the proceedings of that day it is well known that the place where it occurred has always been completely crowded, and no pains taken to keep it clear according to the Regulations. Mr. Compton said before the Consul "That these circumstances led to the riot is very probable, but the consequences of it are chargeable to the

* See Correspondence with Mr. Compton, Inclosure 12 in No. 2.

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apathy of the Chinese authorities, &c." This however was merely stated as Mr. Compton's private opinion, and was not given in evidence; and besides he could only here allude to what occurred on the 8th. (Mr. Coley then read parts of the High Commissioner's communication). He says the 4th "the people were already in a disturbed state, and a riot had almost taken place, when fortunately the Te-paou (overseer) informed the compradors, who having stopped the quarrel by their representations, all parties dispersed." So that nothing at all particular occurred on the 4th, even by the account of the Chinese, who go on to charge him with what occurred on the 8th, to which Mr. Macgregor's sentence bears no allusion. It is evident that Mr. Compton did not create the disturbance of the 8th, but merely acted in self-defence. He admits he was wrong in what occurred on the 4th, and that some small fine ought to have been imposed—five or ten dollars would have been sufficient; the stall merely contained a few lychees, and might therefore be worth a few mace. (The evidence of the fruiterer as given by Keying was read, "An Englishman came, and kicked over on to the ground the basket containing the lychees. I was expressing to him my disinclination to submit to this proceeding, when the officers and soldiers in the guard-house came out to explain the affair away, and admonished us, and I yielding to their admonitions immediately gathered together the lychees again, put them into the basket, and carried them away. This is truth.") This was a very trifling affair. The man picked up his lychees and went away, making no complaint. After the affair of the 8th the Chinese wanted to have some one punished, and attempted to fix on Mr. Compton the crime of causing the riot of that day. There is no attempt to prove that there was any riot on the 5th, 6th, or 7th, on which days Mr. Compton frequently passed this spot without any molestation from the Chinese. The Consul himself says the fine was imposed merely for what took place on the 4th, but attempts to connect it with what took place on the 8th, for which there is no evidence whatever. While however Mr. Compton admits he was wrong, there was evidently provocation in the case. He desired the man to remove his stall that he might pass—the man would not, and he kicked it down. Had it been removed he would not have done so. The Consul says that it was on the strength of the evidence before him that he inflicted the fine. Now, my Lord, what is the evidence? There is none—there is nothing in the evidence to warrant the conclusion that Mr. Compton had committed "various acts injurious to our friendly relations with the Chinese Government and people." Besides if there was, it did not come under Ordinance No. 2, which merely gives power to adjudicate on "all misdemeanours and other minor offences." Though it is clear there are numerous informalities in the proceedings of the Consul, Mr. Compton wishes to take no technical advantage of them, but to have justice fairly administered to him. He admits having kicked over the stall, and is willing to submit to a small fine for it. It is evident that the Consul, who was a witness to the occurrence, at first thought nothing of the case, or he would have taken proceedings upon it immediately; and had he acted upon his own opinion, he probably would never have taken any notice of the affair. A great part of the Chinese evidence is only got at third hand. It was given before one man, who repeats it to Keying, and the latter reports it to the Consul. If such fines as this are to be imposed by Consuls at their pleasure, there can be safety for no one in China. If convictions are procured upon the evidence of parties who never appear, and no opportunity is given to rebut it, the sooner all respectable persons leave the country the better. I have great confidence however in leaving the matter in your Lordship's hands.

The Chief Justice, in giving his decision, remarked that the case was at first small, but had become important from what has occurred connected with it. There has been a total disregard not only of the forms of justice, but of justice itself. Had Mr. Macgregor been in any doubt as to the form of proceeding, he ought to have referred to Ordinance No. 7, where it is distinctly pointed out. By it all proceedings in the Consular Courts shall be in conformity and correspondence with the proceedings which in like cases would be had according to the law and practice of

England. The Consul has power to summon and examine witnesses on oath—their depositions must be written down—the person accused must hear the evidence, and have an opportunity of exculpating himself. But this ordinance seem to have been totally disregarded, and the whole case appears to have been determined by assertions on the one side and assumptions on the other. I am obliged to go to the sentence to discover what was the charge (reads the sentence). That sentence is unjust, excessive, and illegal. This will appear on a review of the proceedings. Though the Ordinance No. 2 provides that in all cases adjudicated on, the evidence recorded shall be forthwith transmitted to the Supreme Court of Judicature at Hong Kong, this is the first case which has been sent, and it would not have been sent without application. This case therefore becomes of great consequence, not merely from its own merits, but to define the procedure in Consular Courts, which ought to be regulated by Ordinance No. 7. This in a great measure supersedes No. 2. (The Judge then read the Plenipotentiary's letter of 18th October*, No. 24.) This shows that Mr. Compton received sentence under one Ordinance and was fined under another, which is contrary to all the principles of English justice. I should not suppose from the title of Ordinance No. 5 that this case came under it. But this is set at rest by Section 4, which gives power to punish in a summary way any infringement of the Treaties not punishable by the law of England. Now Mr. Compton's case was one which the law of England and also the law of this colony takes cognizance of. No. 5 refers merely to commercial regulations. I have now noticed the law, and shall next advert to the facts. The charge founded on what took place on the 4th is really abandoned by the Chinese. In the correspondence there is a want of candour on the part of the Consul. He refers the case to the Plenipotentiary. The latter says he imposed the fine himself; no confirmation was therefore necessary. By this sentence Mr. Compton is fined for one crime in particular, and for others in general. (The Judge then read and remarked on the communication from Keying to the Consul.) He charges Mr. Compton with making a riot; but any riot that occurred must have been on the side of the Chinese, as three persons are required to constitute a riot. Keying charges the English with following the Chinese and shooting them not in front of the factories, which shows they were not acting in self-defence. Now there is a wide distinction to be made between a person acting in defence of his person, in which case he ought to withdraw, and one defending his property, who has a right to pursue the assailants until they are driven away. Throughout the transaction nothing appears more natural or more proper than the course followed by the English. Keying says the relatives of the deceased flock to the district magistrates, asking life for life, and the local authorities have nothing to say in answer to them. A very ready answer might be made to them,—that their relations had brought death on themselves by their violence. He says that the English having followed those who retreated, and attacked them with fire-arms, there must doubtless be in such conduct the intention to kill; and when you say "the guns were fired at random in the dark streets, you do not avoid chicanery in explaining the matter away." Now such an intention was perfectly justifiable under the circumstances. The next communication is nothing more than a statement of the evidence taken by the Chinese, in confirmation of the views they had previously taken of the case. The next is of more interest, and shows that at this time Mr. Macgregor had taken a very proper view of the case, and had blamed the Chinese for not noticing the reprehensible conduct of the officer charged with keeping the passage clear. Keying says, "a too great readiness to seek for redress on every petty occasion ought not to be evinced. The affair of the 4th July having been already explained away, &c." This shows that what took place on the 4th had been completely left out of sight before the sentence was passed. (The reasons for the sentence, addressed to the Court by the Consul, were then read.) It appears this sentence was founded as much on the evidence of Mr. Ellice, &c., which not being taken on oath, could not be used. The connexion

* See Correspondence with Mr. Compton, Inclosure 22 in No. 2.

between the proceedings of the 4th and 8th is assumed without the slightest evidence. It would have been a most extraordinary circumstance if Mr. Compton or any other Englishman on being struck had not returned the blow. I should have been astonished if he had not. I repeat again that the whole case is founded on assertion on the one side and assumption on the other, without any evidence. Mr. Macgregor says "the quoting of Ordinance No. 2 instead of No. 1 was my own error." But there is no reason why Mr. Compton should suffer for Mr. Macgregor's error. It is evident, in my opinion, that Mr. Compton was sentenced, apparently for what took place on the 4th, but really for what occurred on the 8th. Had there only been some small mistake as to matters of form, I should have considered it proper merely to modify the fine to a small sum; but the whole proceedings have been so exceedingly irregular as to render it necessary to reverse the judgment altogether; and the judgment of the Court is, that the sentence of Mr. Macgregor imposing a fine of 200 dollars upon Mr. Compton be reversed.

Inclosure 3 in No. 24.

Rule of the Supreme Court.

In the Supreme Court of Hong Kong, on Tuesday the 24th day of November, in the year of our Lord, 1846.

Regina v. Compton.

UPON reading the rule made in this cause on Saturday the 14th day of November, in this present Michaelmas Term, and the endorsements thereon of receipt and service of copies of the said rule, and the deposition of the said defendant taken before R. B. Jackson, Her Majesty's Vice-Consul at Canton, relative to the riot of the 8th of July, 1846, and the sentence passed by Francis Colman Macgregor, Her Majesty's Consul at Canton, on the said defendant on the 24th day of September last, wherein he states, that in conformity with section 6 of Ordinance 6th and 7th of Victoria Regina, No. 2 of 1844, and on the strength of the evidence before him, from which it appeared that the said defendant had committed various acts injurious to our friendly relations with the Chinese Government and people, he had passed judgment that day in a summary manner, and he did thereby sentence the said defendant in particular for having on the 4th of July last kicked down the stall-furniture of a fruiterer at the bottom of Old China-street to pay a fine to Her Majesty the Queen of 200 Spanish dollars, and upon hearing Mr. Coley, attorney for the said defendant, and no cause being shown to the contrary, It is ordered that under the provisions of the said Ordinance of the 6th and 7th of Victoria Regina, No. 2 of 1844, the said sentence passed by the said Francis Coleman Macgregor, imposing a fine of 200 Spanish dollars on the said defendant, be reversed.

(L.S.) By the Court.

Inclosure 4 in No. 24.

Rear-Admiral Sir Thomas Cochrane to Sir John Davis.

My dear Governor,

"Agincourt,"
Hong Kong, November 20, 1846.

IN pursuance of the intention I communicated to you of visiting Canton for the purpose of seeing, before my departure for England, the changes that may have occurred in the four years that had elapsed since I was last there, as well as to ascertain how far any just cause existed for the apprehensions of the British merchants resident at Canton, or for a

ship of war being constantly stationed off the factory gardens, to her imminent peril were any real hostilities to take place, I went there from hence on Sunday, and on Monday landing in plain clothes, accompanied by my Flag-Lieutenant and Captain McDougall, I walked for full six hours in every part of the town where I thought it likely to meet a crowd, finding myself without intending it close to the dreaded city gate, within seven or eight doors of which I passed some time in a shop making purchases; the doors surrounded as usual by lookers-on from the crowded street that leads to the gate, of whom not a single individual showed the slightest incivility. On the contrary some in the most friendly and respectful manner examined the texture of my coat as well as my gloves, the latter being as you know a curiosity with them. In short I sought every position where public feeling was likely to be exhibited, and blinked none; and I can positively declare that I and those with me passed through the streets with as much freedom and as little inconvenience as in any street in London, and met with precisely the same reception I have done at Shanghai or Ningpo; and if any circumstance had been required to confirm the opinion I have more than once expressed, namely, that the Chinese will never be the aggressors, the visit of Monday would fully do so; and if I required further proof of the bullying disposition of my own countrymen among foreigners in the first instance, and their unreasonable expectations as to anticipated protection afterwards, it will be found in what has already passed, and in the statement made to you by the Consul on the first recall of the "Nemesis," and another by her commander on his arrival here, that on being ordered down the river after lying three months without moving from the factory gardens, the merchants made loud complaints, and I expected to have heard that she had been followed by a petition for her return.

If the merchants would believe that their best and by far most efficient protection is to be found in their own circumspect conduct, in treating the people with urbanity and good-will, and in avoiding rather than seeking sources of conflict, I feel persuaded that they will soon practically discover in these measures more persuasive advocates with the Chinese than in all the force I could bring against them.

I am, &c.

(Signed) THOS. COCHRANE.

No. 25.

Sir John Davis to Viscount Palmerston.—(Received January 23, 1847.)

My Lord,

Victoria, Hong Kong, November 29, 1846.

I HAVE just on the morning of the mail steamer's dispatch (being Sunday) received the inclosed letter from Mr. Compton forwarding very voluminous documents under open cover. This is in violation of a plain principle recognised in the following words under the Colonial Regulations (page 49), but applicable of course to all departments of Her Majesty's service:

"The practice which has in some instances been adopted of addressing memorials direct to this office, and only sending copies of them to the Governor on the eve of the departure of the vessel which is to convey them, will not be recognised as a proper course of communication and must not be repeated."

Among the documents forwarded by Mr. Compton, I am glad to find he has included his own deposition (not on oath) before Mr. Vice-Consul Jackson at Canton, in which the whole of the facts for which he was fined are admitted by himself—even to the confession that they "very probably" occasioned the fatal riot of the 8th July.

On account of the weight and volume of Mr. Compton's inclosures they are forwarded *via* Southampton.

I have, &c.

(Signed) J. F. DAVIS.

No. 26.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, January 25, 1847.

WITH reference to your despatch of the 21st of November, stating that you had entirely concurred with Rear-Admiral Sir Thomas Cochrane in the propriety under existing circumstances of withdrawing the steam-vessel "Nemesis" from her anchorage off the factories at Canton, I have to acquaint you that although it may perhaps be useful that the ship of war should sometimes be withdrawn for a short time from the anchorage off the factories, I consider that it should after an interval always go back again. The presence of such a vessel must be a restraint on the Chinese, and by inspiring the British with a feeling of protection render them less disposed to take their defence into their own hands.

I am, &c.

(Signed) PALMERSTON.

No. 27.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, January 25, 1847.

I HAVE received your despatches of the 12th and 25th of November respecting the fine of 200 dollars imposed by your directions on Mr. Compton, for the part which he took with reference to the riot at Canton on the 8th of July, and the subsequent remission of that fine by the Chief Justice of Hong Kong.

It is my intention as soon as the papers transmitted to you by Mr. Compton, and referred to in your despatch of the 29th of November, shall arrive in this country, to refer the whole proceedings, and especially the decision of the Chief Justice, to the consideration of the Law Officers of the Crown, and I consequently abstain for the present from entering upon that part of the question.

But I have to state to you in the meanwhile that I entirely approve of your having fined Mr. Compton; for I consider it indispensable that British subjects in China should be taught that if, on the one hand, Her Majesty's Government will exact and require from the Chinese that British subjects should be as free from molestation and insult in China as they would be in England; yet on the other hand Her Majesty's Government will exact and require of British subjects that they shall in China abstain as much from offering molestation and insult to others, as they would if they were in England; and it never can be tolerated that they should indulge towards the people of China in acts of violence or contumely which they would not venture to practise towards the humblest and meanest individual in their own country.

With reference to the draft of Ordinance for the deportation of English offenders on the just complaint and requisition of the Chinese Government inclosed in your despatch of the 25th November, I have to state to you that I have doubts about the expediency of such an enactment, and I think it would be best to postpone it.

I am, &c.

(Signed) PALMERSTON.

No. 28.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, January 25, 1847.

WITH reference to your despatch of the 12th of November, inclosing copies of your further correspondence with Keying respecting the riot at Canton of the 8th of July, and calling my attention to a notice published by Mr. Consul Alcock at Foo-chow-foo on the 24th of June last with a view to restrain disorderly conduct on the part of British subjects, I have to state to you that you are quite right in using all the means in your power to prevent or to punish such irritating proceedings by British subjects and persons employed by them towards the Chinese, as are mentioned in Mr. Alcock's public notice. While on the one hand no unprovoked aggression on the part of the Chinese should be permitted, on the other hand the British in China ought most carefully to abstain from any conduct calculated to provoke, irritate, and offend the Chinese of any class, high or low.

I am, &c.

(Signed) PALMERSTON.

No. 29.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, February 24, 1847.

ALTHOUGH I must reserve for the next opportunity the fuller instructions which I shall have to address to you on the subject of the riot at Canton of July last, and of the proceedings against Mr. Compton in consequence of his conduct with reference to that transaction, I will not allow the present mail to depart without informing you that all the papers connected with the case have been referred to the Law Officers of the Crown, and that they have reported to me that they are of opinion that Mr. Compton was guilty of offences on the 4th and 8th of July for which he might and ought to have been punished by proceedings in the Consular Court of Canton, under the provisions of Ordinance No. 7 of 1844, but that the proceedings which were taken against Mr. Compton were not justified by law, and that the Chief Justice was therefore bound to reverse the judgment of the Consul.

I presume that the fine levied on Mr. Compton has been returned to him; and I consider that under existing circumstances no further proceedings should be instituted against him on account of his share in the transactions of the 4th and 8th of July. At the same time, however, you will carefully abstain from offering him any apology or amends for what has occurred with respect to him.

I shall have occasion to write to Mr. Compton by the next mail in reply to his letters to me on this matter; but I am prevented by want of time from doing so to-day.

I am, &c.

(Signed) PALMERSTON.

No. 30.

Sir John Davis to Viscount Palmerston.—(Received February 27, 1847.)

My Lord,

Victoria, Hong Kong, December 5, 1846.

WITH reference to the characteristic disposition of our people to misconduct themselves towards the subjects of the Chinese Government (concerning which I inclosed a letter from Rear-Admiral Sir Thomas Cochrane in my despatch of November 25), I have now the honour to add the very respectable testimony of Mr. Alcock, the most able of our

Consuls in China, as to the riots at Foo-chow-foo, and the present abandonment of that port having been caused by the English.

Your Lordship is already aware that the merchants at Canton have been clamorous for a war steamer being constantly anchored opposite the factories. While there appeared some actual risk of an outbreak, and the Government had made no provision for defence, I caused the "Nemesis" to be moored in that position; but when the merchants expressed an expectation that such a vessel should be constantly lying there, even after the local authorities had organized an efficient guard, I was obliged to decline, and applied by the inclosed letter to the Rear-Admiral for his professional opinion on this question.

My instructions from the Foreign Office all lead to the conclusion that the Europeans at Canton must live under the protection of the Local Government, and that on failure of this they ought to retire, and leave redress to the proper quarter, rather than wage a kind of private war on their own account. The Rear-Admiral's reply coincides entirely with my preconceived opinion on this subject, and I deem it only justice to myself to inclose a copy of Sir Thomas Cochrane's letter for your Lordship's perusal.

Under all the above circumstances nothing can be more obvious than the necessity for such a summary control over the conduct of our people as shall diminish to the lowest possible amount the chances of collision and disaster.

I have considered it a prudent measure to make known the inclosed extract of instructions with reference to the Canton riot of 1843.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 30.

Consul Alcock to Sir John Davis.

(Extract.)

November 17, 1846.

I WILL merely state now that in referring to the previous serious riot involving loss of property, personal safety, and risk to our relations with the Chinese authorities, I directed attention to those causes which I felt strongly persuaded had principally led to the dangerous outbreak. The whole of the information obtained, as the result of long and patient inquiry from every source within reach worthy of credit, up to the time of my leaving Foo-chow, taken together with various circumstances which came to my knowledge subsequent to the riot, in a more incidental and often more conclusive manner, left the strongest conviction in my mind that the conduct of the British residents habitually, or frequently in the suburbs, together with that of their establishments, and the crews of the opium vessels, had been for a long period antecedent to April, such as was eminently calculated to lead to ill feeling and a violent popular outbreak in the neighbourhood. From the persons thus designated as residents at Nantac, I distinctly except Mr. Walker and Mr. Meredith, whose conduct was in my opinion not only circumspect and considerate, but above suspicion. The conviction I entertained and made public in the notification No. 10 was borne out by as ample evidence and as conclusive a body of information as can well be attainable by foreigners in China. I may go further, and state that my conclusions rested rather upon the concurrent testimony, with very rare exceptions, of numerous British subjects of undoubted credit, who had ample means of personal observation during many months prior to the occurrence of the riot; and who referred to acts done in their sight, and to others spoken or boasted of by the parties concerned. I do not wish to attach any personal responsibility at this date, or I could refer to a distinct admission from one of the parties implicated by the proceedings of the rioters. But the various broken heads which were given (although they came to my knowledge by British subjects complaining) seem distinctly enough to attest the readiness with which violence was employed. The report so prevalent at Amoy

and Hong Kong, previous to the riot, that there was a dangerously frequent recurrence on the part of persons frequenting the suburbs to "club law," and a proposition by parties in the hearing of a Consular officer to go out on a "knobbing excursion," a slang in use for hunting and killing the dogs, may I think suffice to set the injudicious question raised by Mr. Roper entirely at rest.

The mercantile and shipping residents in the suburbs, and their establishments, were distinctly charged by the authorities with repeated, long-continued, and irritating acts of provocation, insult, and injury towards Chinese subjects. These charges were not even mentioned to me until after the indemnity was paid and when all angry discussion had ceased. They were not pressed in a depreciatory or vindictive spirit, but on the contrary were referred to only as grounds for precaution to prevent a recurrence of events so deplorable and prejudicial to all parties, so total was the absence of all hostile animus or apparent motive for false charges.

Inclosure 2 in No. 30.

Sir John Davis to Rear-Admiral Sir Thomas Cochrane.

Sir,

Victoria, Hong Kong, November 30, 1846.

AS I have long been assailed by representations from the English merchants at Canton as to the necessity of a war steamer lying constantly opposite the factories, I shall feel much obliged by your Excellency favouring me with your professional opinion as to the policy of such a measure.

It appears to me that the other foreign authorities have not seen the necessity for such a course of procedure, which in some respects seems particularly objectionable as being calculated by the sense of security to foster the insolence and aggression of our people towards the Chinese, already unfortunately too great, at the same time that, in the event of actual hostilities, a single weak vessel could afford no real protection.

I have, &c.

(Signed) J. F. DAVIS.

Inclosure 3 in No. 30.

Rear-Admiral Sir Thomas Cochrane to Sir John Davis.

Sir,

*"Agincourt," at Hong Kong,
December 3, 1846.*

1. I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 30th ultimo on the subject of the representations made by merchants for the presence of a war steam-ship constantly opposite to the factories at Canton.

2. I must in the first place observe to your Excellency, that the stationing of a vessel of war at all off the factories, for the purposes they propose, is neither according to the letter nor spirit of the Supplementary Treaty, the 10th Article of which states that a cruizer will be stationed at each of the Five Ports to enforce good order and discipline amongst seamen, and to support the authority of the respective Consuls over British subjects; but it in no part contemplates a ship of war being stationed at any port, still less opposite to the factories at Canton, for the purpose of intimidating or overawing either the people or Government of the country; a proceeding which in my opinion would be as offensive as fruitless; as were the one or the other so hostilely inclined as to render a protecting

force necessary, one steam-ship in such a situation as that contemplated would not only be entirely useless, but would be exposed to inevitable destruction; for no force that could be placed on board of her, nor courage, however great, could in that narrow straight avert such a calamity from fire-boats or fire-rafts, or from being overwhelmed by the mere pressure of numbers.

3. If the British merchants desire to have a steam-ship opposite the factory, to be at all times ready for their reception on board, in case of attacks or assault, but without any specific reason to suppose attack or assault intended, I cannot but entertain the opinion that Her Majesty's Government not only would not listen to such an unreasonable expectation, but that the knowledge on the part of the Chinese of the object for which the steam-ship was placed there might not improbably realize the aggression it apprehended, on one hand by persuading them that we doubted and feared them, and on the other by encouraging those British subjects prone to domineering and aggression, by the knowledge that at the worst they had a shelter to retreat to.

4. My firm opinion is (as stated in my demi-official letter to your Excellency, written after my visit to Canton, and of which your Excellency is most welcome to make any use you may think proper with Her Majesty's Government) that the Chinese are perfectly inclined to be peaceable, and that should any disturbances take place, they will not be the aggressors. The Americans, French, Dutch, and all other nations, seem to live in peace and harmony with them; and I am not aware of any reason why we should not do the same.

5. If, however, contrary to all expectation, the Chinese should evince such hostility as to render the lives and property of British subjects insecure, your Excellency will concur with me in opinion that it will be more dignified in that case for all British subjects to remove in time from Canton, and leave redress and indemnification in the hands of the British Government, than to contest the point with a small steam-ship.

6. That the presence of such a vessel only tends to irritate, and not allay, inimical feeling, your Excellency or your predecessor has more than once, I believe, been informed by the Chinese authorities at Canton.

I have, &c.

(Signed) THOS. COCHRANE.

Inclosure 4 in No. 30.

Government Notification respecting Riots at Canton.

HIS Excellency Her Majesty's Plenipotentiary, &c., considers it particularly necessary at this time to make known to British subjects at Canton the following extract of instructions from Her Majesty's Government with reference to riots at that place in 1843, in order that they may be forewarned of the only conditions on which they are to expect either protection or indemnification.

"Her Majesty's Government entirely approve of your having declined to act upon the suggestion which was made to you, to employ a force for the protection of the factories at Canton against the violence of the populace, which the British merchants apprehended might again lead to scenes of confusion and destruction. There is sufficient evidence to show that the outbreak of the Chinese mob was in the first instance, and in all probability exclusively, provoked by the negligence of the masters of a British vessel in allowing his seamen to go on shore without efficient control. Her Majesty's Government trust that the excesses of those seamen, when thus emancipated from the restraints of discipline, will prove a salutary lesson to British merchants engaged in the trade with China, and that they will acquire the conviction that the security of their persons and property must in no small degree depend upon themselves; for Her Majesty's Government cannot hold themselves responsible either

for the protection or indemnification of parties who by their own misconduct or by their culpable negligence in omitting to restrain those whom it is their duty to control, shall render themselves obnoxious to the Chinese Government or people."

By Order,
(Signed) W. CAINE,
Colonial Secretary.
In the absence of Mr. Johnston.

Victoria, Hong Kong, December 4, 1846.

No. 31.

Sir John Davis to Viscount Palmerston.—(Received February 25, 1847.)

(Extract.) *Victoria, Hong Kong, December 15, 1846.*

The inclosed translation, by Mr. Gutzlaff, of the Chinese version of the American Consul's official letter to the Canton Government, is confirmatory of Mr. Compton's criminality, and a curious supplement to the case. He says "I the Consul found on inquiry that the Englishman Compton gave rise to the disturbance."

Inclosure in No. 31.

The American Consul to Commissioner Keying.

(Translation.)

FORBES, American Consul at Canton, sends the following reply to the commands of your worship, contained in a letter dated 26th year of Taoukwang, 6th month, 16th day (7th August, 1846), which he received on his return from Macao on 20th day of 6th month (11th August), as follows:

"It would appear that Compton, an Englishman, on 15th day of 5th month (8th July), was quarrelling with a Chinaman at the entrance of Tsingyuen-street, and having collared him took him to the Chungho hong, where he was bound and beaten. The multitude however would not allow this, but was anxious to enter and liberate the man, whilst throwing stones at the foreigners. These on their part opposed and beat the Chinese, who apprehensive of their violence retreated and dispersed. But the foreigners pursuing them fired at them, whereby three Chinese lost their lives, and six more were wounded. As this affair was caused by Compton, an Englishman, letters were addressed repeatedly to Consul Macgregor, that he might manage the matter according to the Treaty. He returned twice for an answer that it was very difficult to settle this business. He added moreover that all the foreigners at the provincial city were concerned in this affair, and that it was wrong to say that it were merely the English, and words to that effect.

"We find that there are a great many Englishmen and Americans who live at the provincial city, and I the Great Minister and I the Lieutenant-Governor have no means to ascertain whether or not Americans commenced this affray and disturbance and joined the multitude in firing [on the assailants].

"The cause of this outbreak may be sought in the foreigners presuming on their superiority, creating a tumult. The Chinese who lost their lives or were wounded are no vagabonds, but honest tradespeople, of which one may soon be convinced. Their corpses have now been brought to the magistracy by their relations, who insist upon retribution, whilst the feelings of the people are excited. If this matter is not managed according to the provisions of the Treaty we fear another outbreak, in which the inoffensive of other nations will be involved. If moreover in future a similar occurrence would take place, the Chinese local authorities would find it very difficult to repress the people, which would be of great conse-

quence to the foreigner as well as native. As this affair concerns the said [American] Consul, we suppose that he was either an eye-witness of it or heard of it.

"We therefore address this letter to the said Consul, that he may institute an investigation about the subjects mentioned in this note, and furnish us with the actual facts according to truth in his reply, in order to manage things accordingly."

I the Consul found on inquiry that the Englishman Compton gave rise on the 15th day of the 5th month (8th July) to a disturbance. During the tumult the people assembled in great numbers, and broke down the wall of the Chungho hong, whilst the merchants and people of my own country protected their own property. When I the Consul heard that an Englishman was the cause of this I considered it useless to go out for suppressing [the riot]. I have no means of investigating how in this tumult of the English the fire-arms were used.

This true answer I submit to your examination.
6th month, 20th day. (11th August, 1846.)

No. 32.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, March 11, 1847.

I STATED to you in my despatch of the 24th February, written immediately before the departure of the last mail, that the law officers of the Crown had reported to me that in their opinion Mr. Compton was guilty of offences on the 4th and 8th of July, for which he might and ought to have been punished by proceedings in the Consular Court of Canton under the provisions of the Ordinance No. 7 of 1844; but that under existing circumstances no further proceedings were to be instituted against him on account of his conduct on those days, but that you were not to offer to him any apology or amends for what had occurred with respect to him.

I now inclose for your information a copy of a letter which I have addressed to Mr. Compton in reply to his letters of the 28th of October and 28th of November, which you forwarded to me with your despatches of the 29th October and 29th November.

I cannot however dismiss this subject without some further observations. And in the first place I must state to you and desire that you will impress upon all Her Majesty's Consular Officers, that it is the intention and injunction of Her Majesty's Government that you and they should enforce to the fullest extent, for the maintenance of good order and peaceable conduct on the part of Her Majesty's subjects resorting to China, those ample powers of repression and punishment which have been vested in the Chief Superintendent and in the Consular Officers by the Legislature and the Crown.

Her Majesty's Government are glad to believe that by far the greater proportion of those British subjects who are established in trade at the several ports of China are duly sensible of the duty which is peculiarly incumbent upon British subjects in China to respect the feelings and habits of the people among whom they dwell, and to abstain from any line of conduct which may produce disorder or give rise to feelings of ill will, and thus tend to interrupt the state of peace between their own country and that in which they reside. All well-disposed British subjects must also be fully aware of the duty which, though in a foreign land, they still owe to the sovereign authority of the British Crown and Legislature; and they must be prepared to pay a ready obedience to those laws of their own country, which, with a view to their protection, the British Government has obtained a right to enforce in China as regards the subjects of the British Crown. But unfortunately the case of Mr. Compton affords sufficient evidence that in the British community in China, persons may be found, who, disregarding their duties as peaceable citizens, are unmindful of the great commercial interests which they may put in jeopardy, and heedless of the

disastrous consequences which would ensue, if tumults, which they wantonly provoke, should lead to a renewal of hostilities between England and China.

Her Majesty's Government trust that the orderly and well-disposed subjects of Her Majesty in China will not only discountenance all evil-doers, but will moreover aid and support to the utmost of their ability Her Majesty's Consular officers in their exertions to preserve the public peace.

Her Majesty's Government are prepared to maintain against all infractions by the Chinese Government or people, the treaty engagements between the two countries; but on the other hand, they are determined not merely from a regard for British interests, but on the higher ground of justice to the Chinese Government, to provide as far as possible that no injury shall arise to peace and good order in China, from the concession which has been made to Her Majesty of exclusive jurisdiction over British subjects in China.

Her Majesty's Government therefore think it right to warn, through you, all British subjects resorting to China, that they must pay due obedience to the British Consular authorities, and that they must refrain from insulting or provoking the Chinese, and from exciting or joining in any riots, or any disturbances of the public peace. And in order that all British subjects may be fully apprized of the legal character of the offence which any person would be guilty of, who should by an act of violence give rise to a riot, in the course of which loss of life should ensue; and in order that it may be known what is the degree of punishment to which such person would be liable, I have to inform you that the law officers of the Crown, in an opinion which I have received from them, say that,—

“If a person by some act of violence give rise to a riot in the course of which loss of life ensue, he will be guilty of murder or manslaughter, as the case may be, or not guilty of either of those crimes, according to circumstances. For instance, if by some act of violence he give rise to a riot, but take no part in such riot himself, he will be responsible for the act only, but not for the riot, nor the consequences which may ensue.

“So, though he commit the violence, intending to give rise to a riot, and actually take part in the riot himself, yet if in the course of that riot death ensue from the act of another wholly unconnected with him, he will be guilty of the riot, but not of the murder or manslaughter, as the case may be. But if with other persons he resolve generally to resist all opposers in the commission of a riot, or any other breach of the peace, and to execute it in such a manner as naturally tends to raise tumults and affrays, he must, when he engages in such bold disturbances of the public peace, at his peril abide the event of his actions; and therefore if in doing any of these acts he or his confederates happen to kill a man, they are all guilty of murder or manslaughter, as the case may be, provided the act done were the result of the confederacy and happened during the actual strife or endeavour, or at least within such reasonable time afterwards as to leave it probable that no fresh provocation intervened.

“The punishment will vary according to the degree and quality of each offence.”

It will be the duty of Her Majesty's Consular Servants to be guided by this exposition of the law, however painful to their feelings may be the necessity of enforcing it.

I have to instruct you to transmit to all Her Majesty's Consuls in China copies of this despatch, and of my letter to Mr. Compton; and to direct them to make the same public within their respective Consulates. You will also direct them to republish at the same time Her Majesty's Order in Council of the 7th of April, 1844, and the Ordinance No. 7 of the 20th November, 1844, “For the better administration of justice in the Consular Courts, and to establish a registration of British subjects within the dominions of the Emperor of China.”

You will make a similar publication of these several documents at Hong Kong.

I have, &c.

(Signed) PALMERSTON.

Mr. Addington to Mr. Compton.

Sir,

Foreign Office, March 11, 1847.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letters of the 28th of October and 28th of November, the last inclosing copies of correspondence and other papers relative to the proceedings taken against you by Her Majesty's Consul at Canton, in consequence of your conduct on the 4th and 8th of July, 1846.

Lord Palmerston directs me to state to you in reply, that Her Majesty's Government entirely approve the conduct of Sir John Davis in directing Her Majesty's Consul at Canton to proceed against you for what you did on those two days, and they regret that in consequence of the irregular manner in which these proceedings were conducted, you have escaped the penalty which you would otherwise have incurred; for Her Majesty's Government are advised by the law officers of the Crown, to whom all the papers connected with the occurrences of the 4th and 8th of July have been referred, that you were guilty of offences on those days, for which you would have been liable to punishment if you had been proceeded against in the Consular Court of Canton under the provisions of the Ordinance No. 7 of 1844.

Her Majesty's Government, however, trust that your having escaped from any penalty on this occasion, in consequence of a defect in the form of the proceedings against you, will not serve as encouragement either to yourself or to others to commit towards the people of China acts of violence or contumely which you would not venture to practise towards the humblest individual in your own country; for Her Majesty's Government, while they will exact and require from the Chinese that British subjects shall be as free from molestation and insult in China as they would be in England, are determined on the other hand so far as lies in their power, to exact and require from British subjects in China that they shall abstain as much as they would do if they were in England, from offering molestation and insult to other persons; and Her Majesty's Chief Superintendent in China and all Her Majesty's Consular Officers will be most strictly enjoined to enforce to the fullest extent against all offenders those powers of repression and punishment, which have been vested in them by the Legislature and by the Crown.

Her Majesty's Government would much neglect their duty if they were to permit the permanence of peace between China and England to be endangered, and the great interests involved in its continuance to be put into jeopardy, by the wanton acts of inconsiderate or reckless individuals.

I am, &c.

(Signed) H. U. ADDINGTON.

No. 33.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, March 11, 1847.

I HAVE to instruct you, in transmitting to Her Majesty's Consuls in China copies of my preceding despatch of this day, to call the attention of those officers to the absolute necessity of strictly adhering, in the administration of justice in their Consular Courts, to the regulations prescribed in Ordinance No. 7 of 1844. If due attention had been paid in Mr. Compton's case to the forms required by this Ordinance, much inconvenience would have been avoided.

In the instruction which you issued to the Consuls on the 22nd of November, 1844, with reference to Ordinance No. 7, you restricted them, in conformity with the regulations laid down for the Consuls in the Levant,

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from sending to Hong Kong for trial any other persons than those accused of murder. You will consider whether it may not be expedient to modify this restriction, and to allow the Consuls to send to Hong Kong for trial before the Chief Justice of the colony, in conformity with the provisions of the Order in Council of the 17th of April, 1844, parties implicated in serious riots.

I should wish you also to consider whether it may not be expedient to pass an Ordinance in the Legislative Council empowering Her Majesty's Consuls to require disturbers of the public peace to find security for their good behaviour.

I am, &c.
(Signed) PALMERSTON.

No. 34.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, March 11, 1847.

WITH reference to the observations contained in Rear-Admiral Sir Thomas Cochrane's letter of the 3rd of December, of which a copy is inclosed in your despatch of the 5th of that month, I have to state to you that Sir Thomas Cochrane's argument against stationing a vessel opposite the factories at Canton would be perfectly conclusive if the purpose for which she was to be so stationed was to defend the factories against an attack from the Government of Canton, employing against the steamer all the means of annoyance in its power. But the case to provide for which the steamer is to be stationed off the factories, is the case of a riotous attack upon them by a lawless mob, in repelling which the Canton Government and the force at its command would be co-operating allies; and it is difficult to imagine that a British ship of war, however small, would not be a powerful auxiliary in such an emergency.

I am, &c.
(Signed) PALMERSTON.

No. 35.

Sir John Davis to Viscount Palmerston.—(Received March 23.)

My Lord,

Victoria, Hong Kong, January 13, 1847.

THE inclosed copy of a despatch lately received by me from Mr. Consul Macgregor is corroborative of the opinion stated by Rear-Admiral Sir Thomas Cochrane and myself, of the wanton provocation given by the English residents at Canton to the native Chinese.

The parties on this occasion, Messrs. Ellice and Dunlop, appear to have been drunk, and on that ground the Consul limited the fine to only 10 dollars each. They may therefore consider that they escaped very lightly, and I understand that they acknowledge it and express their sorrow for the occurrence.

Had the persons whom they so maltreated not been in European employ, and therefore, fortunately for themselves, submissive under the maltreatment, the case, like Mr. Compton's, might have been followed by more serious results.

The Consuls have been instructed by a circular to act on all these occasions under Ordinance No. 7 of 1844, enacted in pursuance of Her Majesty's Order in Council of 17th April, 1844. The Ordinance No. 2 was passed previously to the receipt of the Order in Council, and is entirely superseded by the later one enacted in consequence of it, and in which there is no appeal on every occasion of fine from the Consul to the Hong Kong Judge.

Ordinance No. 2 being therefore now superfluous, and in many things inconsistent with No. 7, may properly be repealed, and indeed should have been on the enactment of No. 7.

The annexed extract of a letter from Mr. Consul Macgregor just received, merely confirms the opinion already offered by Sir Thomas Cochrane and myself as to the overbearing disposition and intemperate conduct of the English at Canton, and the danger of encouraging their aggressive propensities by the unnecessary presence of a war steamer. The contrast with the Americans and other foreigners, who, living under precisely the same circumstances, make no outcries for military support, is obvious.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 35.

Consul Macgregor to Sir John Davis.

Sir,

Canton, January 8, 1847.

WITH reference to your Excellency's despatch of the 31st December last, relative to one of the gate-keepers at the foreign factories having been stabbed, I have not failed to examine into the matter, of which the following are the particulars.

In the preliminary examination which the gate-keeper Chingagan underwent at the Consulate he stated that on the morning of the 26th December, at about 4 o'clock, several persons were knocking violently at the gate; that on his being about to open, a foreigner who was standing inside prevented him, threatening him with his walking-stick. When the foreigner was gone, he opened the gate to the persons outside, but they being very boisterous, he, after opening the wicket, immediately withdrew into the gate-house, fastening the door after him; it was however forced open by the parties, one of whom who entered first he recognised to be Mr. Ellice. They then took hold of and dragged him and his comrades out of the lodge by their tails, shook them, kicked and tumbled them about, and Mr. Ellice lastly drew a sword out of his stick, and stabbed him in the left foot.

Chingagan on being summoned to make a deposition on oath of the above facts, confirmed his former statement, with this exception however, that instead of affirming that Mr. Ellice drew a sword out of the stick and stabbed him in the left foot with it, he deposed "that he did not know who struck him on the foot, because one person had hold of his tail while another was beating him; that he did not see any person pull a sword out of a stick, and that he does not know how or with what he was wounded, being shaken about and in fear, and that he did not know of the wound in his foot till after the affair was over, when he got a light, and saw the blood on his shoe." I have satisfied myself by ocular inspection that the wound, in whatever manner it may have been inflicted, is but a very slight one, and that by this time it is nearly healed.

Mr. Ellice admitted the assault, but denied having any stick in his hand at the time, which was confirmed by Mr. Dunlop of the Oriental Bank, who was in company with him, and had participated in the affray with the gate-keepers.

Messrs. Fincham and Everard deposed that on passing the eastern gate leading to the block factories their attention was attracted by a noise of scuffling and laughter inside the gate, and on going in they observed Mr. Ellice and Mr. Dunlop in the act of pulling three Chinese out of the porter's lodge by their tails; they saw Messrs. Dunlop and Ellice give them a shaking, but saw no blows struck, nor any stick or weapon of any kind in possession of either Mr. Ellice or Mr. Dunlop.

The Chinese Chingagan not being able to state by whom or with what instrument he was wounded, the depositions of his comrades (one of whom ran away immediately at the commencement of the affray, and the

other hid himself in the gate-house) not affording any elucidation of this subject, and the witnesses to the transaction declaring that no sticks were in possession of either Mr. Ellice or Mr. Dunlop, I dismissed the case of the stabbing, and only dealt with assault committed by Messrs. Ellice and Dunlop upon the gate-keepers ; for which, viewing it more in the light of a drunken frolic than otherwise, I sentenced each of the parties accused to pay a fine of ten dollars to Her Majesty the Queen, which I trust your Excellency will approve of.

I have, &c.
(Signed) FRANCIS C. MACGREGOR.

Inclosure 2 in No. 35.

Extract of private letter from Consul Macgregor.

Canton, January 11, 1847.

I NEVER was an advocate for stationing any ship of war in the immediate vicinity of the factories because there is great temptation, as well as danger to the preservation of peace in having an armed force so very near at hand. It appears to me one of those measures which must only be resorted to when dictated by absolute necessity, a case which so far as I can judge does not exist. Upon these grounds I declined recommending such a measure when urged by the merchants during your absence in the north immediately after Mr. Compton's disturbances. Apart from these considerations, I conceive that it would produce more evil than good, since on the one hand it would render our people still more presumptuous and overbearing than they already are, while on the other, in the event of a consequent riot, a small vessel of the class alluded to, with only about thirty men disposable in case of emergency, would afford but very inadequate means of protection. But as to popular disturbances I must candidly confess I apprehend none for some time to come, provided they are not provoked by the foreigners themselves. The rabble know to their own cost that the foreigners are in possession of fire-arms and determined to use them when attacked, and that their numerical force is much stronger at present than it has been at any former period. The local authorities on the other hand dreading the effusion of blood for which they become responsible to the people, are much more on the alert than they ever were before, and have adopted more efficacious measures for the instant suppression of any outbreak before the flame has time to spread. And I would ask, have the Americans who run the same risks as we ourselves, been known ever to complain to their Government of insufficiency of protection, and do they clamour for ships of war at the factories? Certainly not; but knowing that their safety in a great measure depends upon their own conduct, their policy is to behave towards the Chinese with kindness and moderation, but at the same time not to suffer an insult without seeking redress by lawful means. They treat their own officers and the local authorities with respect, while they avoid giving them unnecessary trouble. It seems that by thus quietly following their avocations, the Americans have gained great popularity at Canton; and I feel confident that if our people could only be brought to the conviction that defying their own authorities is of no avail, they would sooner or later find it their own interest to adopt a similar prudent line of conduct.

You will already have observed from my public letters what measures have been taken by Keying for the more efficient protection of foreign residents, and it appears to me that if we show at this juncture a want of confidence by interfering with that protection which the Chinese authorities are bound to afford our people, there is great reason to apprehend that the former will relax in their endeavours, and that a state of things will result very undesirable, and quite the reverse from what it ought to be according to the established principles of international law.

Sir John Davis to Viscount Palmerston.—(Received March 23.)

My Lord,

Victoria, Hong Kong, January 26, 1847.

I HAVE the honour to reply to your Lordship's despatch of October 24, in which I am directed to furnish information as to the practice which has hitherto prevailed in respect to the presence of a man-of-war at each of the Five Ports.

On my arrival nearly three years ago at Hong Kong, I found that Sir Henry Pottinger interpreted the terms of the Supplementary Treaty in the same manner with myself, and that in the four ports then open an English sloop or steamer was "stationed to enforce good order and discipline amongst the crews of merchant shipping, and to support the necessary authority of the Consul over British subjects." The idea had not occurred in framing the Treaty, that the Chinese Government would be so powerless over its own subjects as to render foreign assistance necessary, and if it had occurred would have been repudiated by Keying.

The port of Canton is at Whampoa, about eight or nine miles distant from the town. Every British merchantman (sometimes to the number of forty at once) is anchored there, and even the small passage steamer which plies regularly from hence is obliged to anchor two miles below the town on account of the shallowness and dangers of the river higher up. The iron steamers which I have sent up when necessary to the town, have not drawn much above six feet water, and though during the attacks on Canton in 1841 our small men-of-war got opposite the town, it was under those exigencies which war imposes, and with the utmost exertion, difficulty, and risk.

Lord Aberdeen's despatch of November 16, 1844, was written in reply to despatches of that year from myself, urging strongly the necessity of reinforcing the squadron in China, to such an extent as might enable me to observe the provisions of the Treaty; and the benefits to British subjects to which your Lordship refers as contemplated in that despatch were those provided by the Treaty. "The first and most immediate occupation for the naval force in China is to give full effect to that provision of the 10th Article of the Supplementary Treaty, which stipulates for the presence of a British man-of-war at each of the Five Ports opened to British trade."

My several despatches of August and September last will have proved to your Lordship that I had every disposition to send a vessel of war to Canton when it seemed necessary, and that I did send the "Nemesis" on her first arrival from the north, causing her to lie off the factories for three months. My despatch of August 7th contained a long letter to Consul Macgregor (Inclosure 8) in which I combated the arguments and representations of that officer against sending her, and she was sent contrary to his advice. It has always appeared to myself, that if an old and careful man like the Consul had no fears, the danger to other British subjects could not be very imminent.

My own natural disposition, I must confess, is perhaps to be too forward and ready to adopt active measures, and were I to indulge in this contrary to my sense of duty, I should find of course a ready echo in the naval and military officers by whom I am constantly surrounded. There would not be the slightest difficulty in destroying Canton with the force actually here—the great difficulty is in repressing the onward progress of that European ascendancy, which acts with the pressure of a constant spring, and which if it had full play would make our progress in China resemble that in India. I may add that the subjects of every other civilized Government get on more quietly with the Chinese, and clamour less for protection than our own.

I endeavour on all occasions to adhere as closely to my instructions as circumstances will permit, and the inclosed extract from Lord Aberdeen prescribed a course which did not allow me to countenance the

species of private war and of military preparation for which our merchants and their young clerks at Canton showed so strong a propensity.

I have already had the honour to inclose to your Lordship the strong opinion of the Naval Commander-in-chief against a vessel of war being anchored at Canton, partly as being opposed to the Treaty. My whole correspondence however will have shown the constancy with which I have maintained against Keying the right of the Queen's ships to go wherever they can float, as founded negatively on our own Treaty, and positively on the 30th Article of that with France.

The practice concerning which your Lordship requires information has been to anchor a vessel of war among the shipping at the ports of trade whenever the naval force in China admitted of it. The demands of New Zealand and Borneo I presume have been the occasion of this force being almost always under the requisite amount, and my representations on the subject are on record. At Shanghae, Ningpo, and Amoy, the shipping lie off the respective towns, but at Canton and Foo-chow-foo they are from necessity eight to ten miles distant. I have often observed that this is an objectionable feature at those two ports. A vessel among the shipping and a vessel off the town impose the necessity of two men-of-war.

It is satisfactory to me to receive your Lordship's positive instructions to anchor a vessel of war off the Canton factories, not constantly, I presume, but when necessary. I have hitherto done so in opposition to the opinion of the Consul and in some measure to that of the Admiral. The "Childers" sloop of war is now anchored among the shipping at Whampoa as usual, and at the crowded period of the new year I shall send the "Pluto" to lie off the factories, to which the "Childers" could not reach without difficulty and danger.

In the meanwhile it is satisfactory to prove to your Lordship, by the inclosed despatch from Mr. Consul Macgregor, that the fears of the Chinese Government have led it to adopt effectual measures for the preservation of order, and that the protection of our people will rest mainly where it ought to do, with the Government of the country in which they reside.

It only remains for us to protect the Chinese from the provoking insolence of the English residents, and I have given such instructions to the Consuls as will prevent their summary decisions from being set aside by the Chief Justice.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 36.

The Earl of Aberdeen to Sir John Davis.

(Extract.)

Foreign Office, October 5, 1844.

THE course to be pursued by Her Majesty's Consular Officers in cases like those which have arisen at Canton is formally to demand from the Chinese authorities that protection for themselves and for British subjects and property in general, to which by Treaty they can lay claim; and failing to obtain this, rather to withdraw themselves and their countrymen (if the latter should voluntarily desire to withdraw) from the danger by which they may be menaced, than to seek to avert the danger by the very objectionable, and at the same time inefficient remedy of landing a body of marines.

Consul Macgregor to Sir John Davis.

Sir,

Canton, January 20, 1847.

AS the new year of the Chinese is approaching, a period generally marked by a great influx of strangers of every description from the surrounding country, I have thought it right to make diligent inquiries as to the measures adopted under these circumstances by the local authorities for the protection of the British residents, in the event of any outbreak of popular disturbances.

From the information I have obtained through the major commanding the troops stationed in our immediate neighbourhood, I have gathered that about 500 soldiers are permanently quartered in the western suburbs, upwards of 100 of whom form the party at the Consol House and at the other posts distributed around the foreign factories.

In addition to these an armed militia, said to amount to several thousand men, has been erected among the inhabitants of the western suburbs for their own protection, and a certain number of which are patrolling the streets every night.

For some time back I understand the Governor-General has of late been regularly despatching one of his aides-de-camp or some other officer of rank to inspect the military posts outside the city, in order to see that they are on the alert; and these officers are generally thus employed during the greater part of the night.

This unusual vigilance has in a great measure been brought on by the consideration of threatening letters having been repeatedly sent to the pawnbrokers in this part of the suburbs, combined with an apprehension for the safety of the foreign factories in case a surprise at this time of the year should be attempted on the part of one of the numerous bands of robbers that are infesting certain parts of the interior of this province, and to the existence of which I drew your Excellency's attention in my report No. 104 of last year.

I have, &c.

(Signed) FRANCIS C. MACGREGOR.

No. 37.

Sir John Davis to Viscount Palmerston.—(Received March 23.)

My Lord,

Victoria, Hong Kong, January 29, 1847.

YOUR Lordship's despatch of October 17th leaves it to my discretion to be guided by circumstances as to issuing a public notification, cautioning British subjects against the dangers to which they must necessarily expose themselves by proceedings on their part calculated to excite the animosity of the Chinese, and warning them not to expect reparation for losses incurred by their own misconduct.

I have had sufficient reason to anticipate your Lordship's instructions, as my despatches will have shown, in consequence of repeated acts of violence on the part of the same individual, though specially warned by the Consul at Canton.

Enough appears to me to have been done on this point for the present, and I believe the merchants are fully aware that they would have to bear losses traceable to their own misconduct. The Consul informs me that, from opposing authority, they have turned to recriminating on each other, a very natural course.

Everything is so perfectly quiet and orderly at Canton, that I shall prefer postponing your Lordship's caution to any time when it may be hereafter needed, rather than provoke the subject anew at present. When I have made the communication to the Chinese Government prescribed by your Lordship's despatch of 3rd October, it shall be duly reported.

I have, &c.

(Signed) J. F. DAVIS.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, March 25, 1847.

I HAVE received your despatch of the 13th January, inclosing copy and extract of two letters from Mr. Consul Macgregor, one relating to the misconduct of two British subjects at Canton, which, under other circumstances, might have led to a renewal of the riots which were attended with such disastrous consequences in July last, the other relating to the question of stationing a ship-of-war off the factories at Canton.

I cannot but observe that, as regards the latter point, Mr. Macgregor's arguments contradict each other, because if a knowledge on the part of the Canton mob that a small number of foreigners in the factories have muskets, and are determined to use them, tends to keep the mob quiet, it is evident that the presence of a ship-of-war with more formidable weapons and superior organization, must much contribute to the same result.

I must also observe that while Mr. Macgregor ascribes all source of danger to the habit on the part of the British residents to insult and molest the Chinese, he seems to me to have very inadequately punished that tendency in the case of Mr. Ellice and Mr. Dunlop, which forms the subject of his letter of the 8th of January. These gentlemen appear to have been guilty of a very inexcusable outrage upon some Chinese in the service of the factory; and I cannot admit the doctrine of Mr. Macgregor, that the offence of getting drunk is a palliation of any other offence which the drunken person may happen to commit.

It may be desirable that you should impress upon Mr. Macgregor that Her Majesty's Government expect to find in the Consul at Canton energy and determination enough to maintain his authority over British subjects, and thus to keep them in order; while, on the other hand, he should have firmness enough to keep the Chinese authorities to their duty, and to hold in check the Chinese mob. It cannot be doubted that by a proper display of firmness and activity when required, the British Consul should be able to make a sufficient stand against either party.

I am, &c.

(Signed) PALMERSTON.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, March 25, 1847.

I HAVE to acquaint you that Her Majesty's Government approve generally of what you say in your despatch of the 26th of January, respecting the stationing of a British ship of war in each of the Five Ports, and particularly off the factories at Canton.

I have to state to you however that I do not see why the occasional presence of a ship of war at Canton should prevent the British Consul from repressing by the legal means within his power, any tendency to violence or provocation on the part of the British residents; and Mr. Consul Macgregor's despatch of the 20th of January of this year, inclosed in your despatch of the 26th January last, rather tends to show that additional protection may sometimes be required for the security of the British community against a sudden outbreak on the part of the Chinese mob.

It is very well to say that it is the duty of the governing authorities in foreign countries to afford protection to British residents, and that the responsibility of doing so ought to be thrown upon those authorities. But the soundness of this doctrine would be no satisfaction to British subjects and their friends for injuries to person and property which might be sustained by the neglect of local authorities in moments of emergency, properly to fulfil their duty in this respect; and it is the frequent practice

of the British Government to send ships of war to foreign ports where British subjects are established in commercial pursuits, whenever local disturbances appear likely to involve such British subjects or their property in danger. And as to the supposition that while a furious mob was attacking the factories and attempting to destroy them, the British residents ought to seek a remedy by embarking, it is plain that such a course, even if it were physically practicable, would not be unattended with danger to their persons, and would probably involve the certain destruction of their property, and would thus lead to the renewal of most serious discussions between the Governments of Great Britain and China.

I am, &c.
(Signed) PALMERSTON.

No. 40.

Sir John Davis to Viscount Palmerston.—(Received April 23.)

My Lord,

Victoria, Hong Kong, February 12, 1847.

AS soon as possible after the receipt of your Lordship's despatch of October 3, directing me to make the communication to Keying therein pointed out, I addressed the inclosed to the Chinese Minister, embodying the substance in nearly the same words. Your Lordship's despatch was received nearly four months after its date (October 3, January 23); and time and distance had made it necessary (as it appeared to myself) to exercise the sort of discretion which sometimes becomes requisite under such circumstances, in omitting the following passage: "that as it is essential, with a view to preventing future outrage, that an example should be made of those who were engaged in that [disorder] which happened in July, the British Government request that the Canton authorities will make proper inquiries into the transaction, and punish according to law the most guilty of the rioters."

More than six months had elapsed since the occurrence, when the numbers killed and wounded by the shots of the foreigners had inflicted a more severe punishment and made a more striking example than anything that could now be done by the Chinese Government, whose attempt to punish any of its people at this time for those occurrences might involve it in very serious consequences, considering its confessedly weak state. I trust therefore that your Lordship will consider I have exercised a proper discretion under the circumstances.

I have every reason to hope that my despatch of January 26 will convince your Lordship that there was no undue backwardness on my part to supply the protection of a steamer to our merchants at Canton. I beg, with reference to this subject, to inclose some very strong opinions of Sir H. Pottinger (exactly coinciding with Sir Thomas Cochrane), which were entirely approved by Her Majesty's Government. With this before me, added to the particular instructions I myself had received, and the decided objections urged by the Consul to the presence of a steamer, I could not but consider that I incurred some personal responsibility in sending up the "Nemesis" when I did.

I have received the inclosed reply from Keying to my note, conveying your Lordship's communication. It is worded in some degree as a reply to myself, and I therefore sent the short rejoinder which is herewith forwarded, repeating that I had made the communication as directed by Her Majesty's Government, giving the Chinese authorities credit for the exertions and precautions which they have certainly displayed of late, and expressing my hope that proper restraints on both sides would effectually prevent the chance of future troubles.

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 40.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, January 30, 1847.

I HAVE the honour to acquaint your Excellency that by the steamer lately arrived from England, I received instructions from Her Majesty's Principal Secretary of State to communicate to your Excellency as under.

Her Majesty's Government heard with regret that the people of Canton by their lawless violence had compelled the British residents to use fire-arms in defence of their own properties and lives, causing several Chinese to be killed and wounded. The people should be taught to know that the British residents cannot be thus attacked with impunity. If the Chinese Government is unable to controul its subjects, the British must defend themselves, and the greater the violence of the mob the greater will be the loss of life inflicted on them. The Chinese Government may in future by means of a vigilant police, and by stopping the beginnings of disorder, render it unnecessary for the British residents to use fire-arms in their own defence.

The British Government has ordered a ship of war to be off the factories for the protection of British subjects and their property. If the Chinese authorities can prevent future disorders it will not be necessary for a British force, naval or military, to proceed to acts of hostility against the city of Canton in order to prevent or to punish a violation of treaties.

The above is the tenor of the orders I have respectfully received.

I beg, &c.

(Signed) J. F. DAVIS.

Inclosure 2 in No. 40.

Extract of a Letter from Sir Henry Pottinger to the Canton Merchants.

I HAVE now arrived at the consideration of your present position and future prospects and wishes, as set forth in your letter, and with respect to the advantages if not necessity of actual residence at Canton, as well as the probable consequences that would attend on your being forced to withdraw from that place, I need only remark that I am fully apprized of those facts, and that I should and shall very truly regret the loss and inconvenience to which you would be exposed by the latter step becoming indispensable. I trust however that it will yet be averted, through the measures which I have already taken and those which I have in view; but adverting to the closing request of your communication, I must at once, finally, most explicitly and candidly acquaint you that no conceivable circumstances should induce me to place Her Majesty's Government in so false and undignified a posture, as I should consider it to be placed in, were I to send troops and ships of war to Canton in opposition to the requests and wishes of the Local Government, in order that you might carry on your trade under the protection of such troops and ships of war. Such an arrangement, irrespectively of the conclusive objection to it which I adduce above, would inevitably lead to further ill-will, heart-burning and violence, and its only result must be disappointment, and in all likelihood a renewal of hostilities between the Governments of England and China, a calamity which I feel certain you will one and all cordially unite with me in earnestly deprecating.

In conclusion, I have in this letter entered at more length into an exposition of my sentiments than may have seemed to you to be called for by the one which you addressed to me; but even before the Canton riots took place I had imbibed many of the impressions which I now communicate to you; and as a copy of this letter will be transmitted to Her Majesty's Government, in explanation of the course which I have decided upon following, I am desirous that the grounds of that decision should be

clearly known to all of you. I had hoped before this time to have had it in my power to intimate to you the purport of the reply as to late events, which I am expecting from the Viceroy at Canton; but owing to circumstances beyond my control, I am disappointed. You shall be made acquainted with it shortly, and in the meantime as it seems to be quite certain that the presence of the small steamer at Canton is merely a source of irritation, whilst in truth if there be any danger, she can in no shape ward it off, I have given my ready assent to Rear-Admiral Sir Thomas Cochrane's suggestion that she should be recalled.

Inclosure 3 in No. 40.

Commissioner Keying to Sir John Davis.

(Translation.)

KEYING, High Imperial Commissioner, &c., sends the following reply to a communication of you, the honourable Envoy, dated 12th month, 14th day (30th January), respecting the violence of the Canton populace, which caused the British merchants to wound and kill several Chinese.

Having carefully perused your letter, I observe that Compton gave rise to the riot at the factories that took place in the 5th intercalary month of the present year (July 1846), in which six Chinese were wounded and three killed, and of which you, the honourable Envoy, communicated the particulars to your Government.

The laws of your honourable country respecting homicide do not differ much from the Chinese. It is therefore to me quite inexplicable that you in your note speak again about the outrageous conduct of the Canton populace and the self-defence of British merchants. You also say that if the Chinese Government is unable to control its own people, the English must defend themselves, and the greater the fury of the mob, the greater will be the loss of life.

If the Chinese are the real authors of the disturbance, it is our duty to restrain them. The recent outbreak however was occasioned by an Englishman, and the fault is not to be ascribed to the inability of the Chinese authorities in not controlling their people.

I, the Great Minister, in conjunction with the Lieutenant-Governor, have now given directions to establish military stations all along the foreign factories, and appointed civilians as well as military officers to patrol there and coerce the Chinese. It can therefore not be said that we are not strict. I hope, moreover, that you, the honourable Envoy, will restrain the English, and not again allow them to create a riot. Thus perhaps foreigners and natives may for ever live in peace together.

As for the inhabitants of Canton, they are myriads in number, and all classes are fond of brawls and make light of their lives. The expression therefore that "the loss of life will be the greater," is not calculated to strike terror in them, but rather to rouse their resentment.

Regarding the ordering of a man-of-war to anchor opposite to the factories for the protection of the English merchants, I beg to remark that by acting in everything with reason and justice, the minds of men will be rendered submissive, and tranquillity will reign without the presence of a man-of-war, yet if these principles are violated, the people's mind will not yield, and the anchorage of a man-of-war will be without advantage.

As you the honourable Envoy are endowed with an understanding of the highest order, I believe you will take the same view of this matter.

Whilst sending this answer I wish you a daily-increasing happiness, and address the same

To his Excellency Her Britannic Majesty's Plenipotentiary, Sir J. F. Davis, Bart., &c.

Taoukwang, 26th year, 12th month, 23rd day. (February 8, 1847.)
Received 11th instant.

Sir John Davis to Commissioner Keying.

Victoria, Hong Kong, February 13, 1847.

I HAVE had the honour to receive your Excellency's reply to my note of the 30th January, in which I conveyed a communication from Her Majesty's Government, according to the instructions I had received as in duty bound.

It will now be my duty to transmit your Excellency's reply to Her Majesty's Government. I shall state the truth in announcing that the precautions taken by the Chinese Government have been lately much greater than before the disturbances of July last, and I therefore hope that troubles cannot again occur. British subjects have been very strictly warned against originating disturbances on their own part, and thus we may hope that tranquillity will be preserved on both sides. This will be most just and expedient, and for the general good.

I beg to renew, &c.
(Signed) J. F. DAVIS.

No. 41.

Sir John Davis to Viscount Palmerston.—(Received April 23.)

My Lord, *Victoria, Hong Kong, February 15, 1847.*

I DEEMED it right on the approach of the Chinese new year, when Canton is crowded with idle persons, to address the inclosed official despatch on the 2nd instant to Captain Talbot, not that I have any expectation of the occurrence of acts of violence and disorder, if our own people will only behave with common abstinence.

The following extract of a letter from Major-General D'Aguilar, now at Canton, will tend to corroborate all that Rear-Admiral Sir Thomas Cochrane, myself, and the Consul, have had occasion to repeat upon this subject, and we have none of us any motives for seeking popularity by appealing to passion rather than reason.

"I have been a good deal on the river, and constantly in the streets about the factories, and extended some of my walks close to the city gates, but have never met with anything but courtesy and civility. I believe a great deal—I may say everything—depends upon ourselves, and that a kind manner, and a bearing free from offence is the best security against all approach to violence and insult."

I have, &c.
(Signed) J. F. DAVIS.

Inclosure 1 in No. 41.

Sir John Davis to Captain Talbot.

Sir, *Victoria, Hong Kong, February 2, 1847.*

ALTHOUGH the Consul has long reported everything quiet and peaceable, yet during the crowded and idle period of the new year at Canton it appears to me very desirable and at the same time in accordance with the instructions of Her Majesty's Government, that the "Pluto" steamer should lie near the factories with such a crew and armament as may seem to you calculated to insure her own safety in case of an outbreak, and that of Her Majesty's subjects. It would likewise be prudent to let the "Vulture" or some other additional ship of war proceed to Whampoa during the same period.

I have, &c.
(Signed) J. F. DAVIS.

Viscount Palmerston to Sir John Davis.

Sir,

Foreign Office, April 14, 1847.

SINCE the date of my despatch of the 25th of March I have received from the Board of Admiralty a copy of a despatch from Rear-Admiral Sir Thomas Cochrane dated the 21st of January, on the question of stationing a ship of war off the factories at Canton. I inclose for your information a copy of this despatch, and also a copy of the letter from this office therein referred to.

You will perceive by the inclosed copy of a letter which I have directed to be addressed to the Board of Admiralty, that under existing circumstances the naval officer commanding Her Majesty's ships in the China Seas will be authorized to use his discretion as to withdrawing the British steam-vessel from opposite the factory garden.

I am, &c.

(Signed) PALMERSTON.

Inclosure 1 in No. 42.

Rear-Admiral Sir Thomas Cochrane to the Secretary to the Admiralty.

Sir,

"Agincourt," at Penang, January 21, 1847.

I HAVE the honour to acknowledge the receipt of your letter of the 5th October last, relative to the absence of a ship of war from Canton, on the occurrence of a tumult in that city on a late occasion, and inclosing a communication from the Under Secretary of State for Foreign Affairs on the same subject, under date the 3rd October.

As the Under Secretary of State does not allude to any communication from China, on which his remarks are founded, it is impossible for me to do more than surmise the particular point to which his representation is directed; but I have no hesitation in saying that if any person has attempted to convey the impression to the Secretary of Foreign Affairs, that the service at Canton connected with the fulfilment of Article X of the Supplementary Treaty has not been fully carried out on the part of the navy, that person has been guilty of a great calumny on the conduct and character of that vigilant officer, Captain Talbot, whom I had left in command in China on my departure for India, and who was at Hong Kong when the disturbance took place to which the letter before me refers.

It would indeed be a great reflection on myself or those officers I have in command, if after the long correspondence that has taken place between the Admiralty and Foreign Office relative to the Treaty in question, we did not use our best endeavours with the means at our command, both in letter and spirit to give effect to the wishes of Her Majesty's Government; and I hope to be able to show that at any rate in the question now at issue we have completely done so.

I will now beg my Lords to be pleased to afford their attention to the last letter of my Lord Aberdeen upon the subject, dated the 1st of October, 1844, and transmitted in Sir J. Barrow's letter to me of the 30th of November, 1844, wherein his Lordship clearly and distinctly points out what he considers the term "stationed at a port of trade" to mean; and how far he deems it admissible that the ship of war so placed may be occasionally absent therefrom.

Applying this rule to Canton, it has been more than rigidly observed, for while at the other ports of trade, when the ship of war is absent, either on the ground of health or discipline, there is no other naval authority to fall back upon, Canton has invariably had in its vicinity at Hong Kong, a frigate, two steam-ships, and a sloop of war, a requisition for whose services could, by a boat, reach Hong Kong in a few hours; and either a

sloop of war, or steam-ship, or a frigate, has been actually at anchor at Whampoa for a longer period than my Lord Aberdeen's despatch contemplated, and invariably when Her Majesty's Plenipotentiary deemed her presence desirable.

It is now necessary I should request their Lordships' particular attention to the wording of Article X of the Supplementary Treaty, and the real objects therein contemplated by the presence of a ship of war, namely, to enforce good order and discipline among the crews of merchant shipping, and support the authority of the British Consul; and to observe that the whole merchant trade of Canton, without one single exception, is assembled at Whampoa, the port of trade of Canton.

With the foregoing explanation I can assure their Lordships I should have been entirely at a loss to comprehend the last paragraph of the Under Secretary's letter, in which allusion is made to the protection of British subjects, had I not heard the subject canvassed at Hong Kong, and had reason to believe that the complaints that have reached Viscount Palmerston have no reference to the vessel stationed, and which invariably from the first moment of giving effect to the Treaty (and before my attainment of the command) has been stationed at Whampoa; but to a new pretension, that of having a ship of war stationed off the factories, not for the purpose of carrying out the Treaty, but with the object either of coercing the Chinese people or affording a shelter to British subjects when they get into conflict with them.

Their Lordships will I feel persuaded at once discover that this is altogether a new proposition, and founded on a different principle to that which first led to the establishment of ships of war at ports of trade; and while I should as readily and implicitly carry out the views of Her Majesty's Government upon this as upon any other measure, I assuredly should not feel authorized to enter upon the new service without their Lordships' previous commands.

Should I have discovered the true cause of the complaints which appear to have been addressed to the Foreign Office, I consider it to be imperatively my duty to state to their Lordships the grave objections which arise to the proposed establishment of a ship of war abreast of the city of Canton; and I shall perhaps more succinctly and satisfactorily convey these objections to their Lordships by transmitting (as I now have the honour to do) copies of two* letters I had occasion to address to Her Majesty's Plenipotentiary upon this very subject—one in reply to a communication from him—than by entering into a further long detail.

I have little to add to the statements and opinions those letters contain; unless to observe that nothing but one of the small steamers which draw five or six feet water can approach Canton by the usual channel, and then but at high water; and that the pass by Blenheim Reach—the only one available to ships of war—continues so much obstructed by the barrier thrown up by the Chinese during hostilities, that a sloop of war would find considerable difficulty (and then only at high water) in reaching the city.

Having had the honour to bring to their Lordships' notice the material points connected with the foregoing subject, I have only to request you will most respectfully assure their Lordships that had I remained in command, I should most readily and implicitly have obeyed any orders and instructions Her Majesty's Government might have thought proper to have enjoined upon me, however much at variance with my own impressions; and I feel fully persuaded my successor, who shall be furnished with a copy of this correspondence, will no less zealously devote his best energies to the fulfilment of their Lordships' commands.

I have, &c.

(Signed)

THOS. COCHRANE.

* Inclosure 4 in No. 24, and Inclosure 3 in No. 30.

Inclosure 2 in No. 42.

Mr. Addington to the Secretary to the Admiralty.

[See No. 4, page 14.]

Inclosure 3 in No. 42.

Mr. Addington to the Secretary to the Admiralty.

Sir,

Foreign Office, April 12, 1847.

I HAVE laid before Viscount Palmerston your letter of the 25th ultimo, inclosing a copy of a despatch from Rear-Admiral Sir Thomas Cochrane relative to the question whether a ship of war should be stationed off the factories at Canton; and I am to request that you will state to the Lords Commissioners of the Admiralty that as there seems reason to hope that there will be no recurrence of riot at Canton, or of attack by the mob on the factories, Lord Palmerston is willing that the naval officer in command should be authorized to use his discretion as to withdrawing the British steam-vessel from opposite the factory garden.

I have, &c.

(Signed) H. U. ADDINGTON.

Correspondence with Mr. Compton.

No. 1.

Mr. Compton to Viscount Palmerston.—(Received November 29.)

My Lord,

Canton, October 28, 1846.

YOU will probably be informed, that a fine of \$200 has been levied upon me by Her Majesty's Consul at this place, for kicking over a fruiterer's stall under extreme provocation. The copy of a letter with reference thereto from Sir John Davis, has just been sent to me, by which I am surprised and grieved to find his Excellency accuses me of having "excited the frightful tumult and bloodshed, in which three Chinese were killed, and by which the peaceful relations between the two countries are still endangered," an accusation which I can hardly suppose his Excellency would have brought against me, had he been thoroughly acquainted with all the circumstances of the case, and an opportunity been afforded me of producing evidence to disprove the premises he has assumed.

As the mail leaves this evening, I can only humbly request your Lordship will suspend your opinion of the case, until I can forward a complete statement of the facts, which I shall have the honour of doing by the following mail.

I have, &c.,
(Signed) C. S. COMPTON.

No. 2.

Mr. Compton to Viscount Palmerston.

My Lord,

Victoria, Hong-Kong, November 28, 1846.

I HAD the honour to address you on the 28th ultimo, of which the enclosed is a duplicate, and I now consider it to be my duty to lay before your Lordship, in as concise a manner as possible, a narrative of the proceedings connected with my case, which I do by begging your reference to the accompanying papers, viz.:—

The correspondence between Her Majesty's Consul at Canton and myself, in reference to the fine imposed on me, together with my reply to the communication from his Excellency Sir John Davis, Bart., of 22nd October, published officially, and referred to in my letter to your Lordship of the 28th ultimo.

The resolutions passed at a general meeting of British subjects, held to take into consideration the proper mode of laying the case before Her Majesty's Government, under the impression, formed upon his Excellency's letter of 18th October to Her Majesty's Consul, that no appeal could be made here, and the draft of the petition then approved of and adopted, but it being subsequently deemed advisable to submit the case to the Supreme Court at Hong-Kong, that appeal was made, and his honour the Judge has declared the sentence to be unjust, excessive, and illegal, and has reversed it accordingly.

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This decision makes an appeal to your Lordship now appear to be supererogatory; but my wounded feelings compel me to utter my complaints against the unjust and calumnious persecution to which I have been subjected, and the duty I owe to the public demands an exposure of the arbitrary and illegal measures which have been adopted, though unsuccessfully, against the rights and liberties of Her Majesty's subjects in my person.

As it is the intention of the British community to address Her Majesty's Government by the next mail, on this and other matters connected with British interests, I will not intrude longer on your Lordship's attention, but to crave indulgence for any irregularity there may be in the form of my address.

I have, &c.,
(Signed) CHAS. S. COMPTON.

Inclosure 1 in No. 2.

Consul Macgregor to Mr. Compton.

Sir,

Canton, July 25, 1846.

IN a representation addressed to me by the Imperial High Commissioner Keying, and Governor Hwang, you are charged with having, "on the 4th instant, at the door of the guard at Old China Street, kicked to pieces the stall furniture of a fruiterer at that place, and with having beaten with a cane the military officer there, on his going out to admonish and stop you," on which occasion, they add, a riot had almost taken place. Further, that on the 8th instant, when a foreigner was wrangling with another fruiterer at the entrance to Old China Street, you came with a cane and dealt random blows with it on the fruiterer. That in the course of the quarrel you suddenly laid hold of a man, and took him into the Chungho Hong, where you tied and beat him, thus causing the assembled Chinese to make a disturbance at the back of the said Hong.

It being incumbent on me to investigate these charges, which the Chinese authorities declare to have occasioned the riot on the night of the 8th instant, in which the lives of Chinese subjects were sacrificed, I have to request you will attend at this Consulate, on Monday next, the 27th instant, at 11 A.M., with whatever witnesses you can produce to depose as to the truth of the above allegations.

I have, &c.,
(Signed) FRANCIS C. MACGREGOR.

Inclosure 2 in No. 2.

Consul Macgregor to Mr. Compton.

Sir,

Canton, September 24, 1846.

THE examinations respecting the late riots having now been closed, and it appearing from the evidence adduced, that on the 4th July last, you kicked over the stall of a fruiterer which was in your way at the bottom of Old China Street, by which indiscretion the indignation of the populace was roused, which gave rise to the subsequent popular disturbances, and to the disasters which followed; and it being of the highest importance for the maintenance of public order, as well as for the continuance of good understanding with the Chinese Government and people, that justice should take its course, it is my painful duty to announce to you, that in conformity with section 6 of the Ordinance 6 and 7 Victoria Reg., No. 2 of 1844, I have sentenced and I do hereby sentence you, for such offence, to pay a fine to Her Majesty the Queen of two hundred Spanish dollars, which sum I shall recover from you as soon as I shall have received the approval of his Excellency Her Majesty's Plenipotentiary and Superintendent of Trade at Hong-Kong, of which you will be apprised in due time.

I have, &c.,
(Signed) FRANCIS C. MACGREGOR.

Mr. Compton to Consul Macgregor.

Sir,

Canton, September 29, 1846.

I HAVE to acknowledge receipt of your letter of the 24th instant, announcing that you have sentenced me to pay a fine of \$200 to Her Majesty the Queen, in reply to which I respectfully request you will specify the offence for which I have been committed by the evidence you have taken.

I have, &c.,
(Signed) CHARLES S. COMPTON.

Inclosure 4 in No. 2.

Consul Macgregor to Mr. Compton.

Sir,

Canton, September 30, 1846.

IN reply to your letter of the 29th instant, I do not find that I have anything to add to the contents of my communication of the 24th, but I think it right to state for your information, that it appears from section 5 of the Ordinance therein referred to, that my decision is subject to the revision of the Supreme Court of Judicature in Hong-Kong, who have the power of altering or reversing my sentence, or increasing or diminishing the amount of punishment or damages awarded thereby, as shall seem just and expedient upon the strength of the evidence, which in your case will be transmitted to the said Court without delay.

I have, &c.,
(Signed) FRANCIS C. MACGREGOR.

Inclosure 5 in No. 2.

Mr. Compton to Consul Macgregor.

Sir,

Canton, October 1, 1846.

I HAVE to acknowledge the receipt of your letter of yesterday, in reply to mine of the 29th ult., wherein you say you do not find that you have anything to add to your communication of the 24th, from which I observe that I am not only convicted of "having on the 4th July last, kicked over the stall of a fruiterer which was in my way at the bottom of Old China Street, but also of having given rise to the subsequent popular disturbances and to the disasters which followed." May I therefore request you will have the goodness to furnish me with a copy of the evidence establishing that fact.

I have, &c.,
(Signed) CHARLES S. COMPTON.

Inclosure 6 in No. 2.

Consul Macgregor to Mr. Compton.

Sir,

Canton, October 6, 1846.

I HAVE the honour to inform you that his Excellency Her Majesty's Plenipotentiary in China, has confirmed the fine of 200 Spanish dollars, payable to Her Majesty the Queen, which I imposed upon you by sentence dated the 24th September last.

It having been found, on strict inquiry into the extent of the powers vested in me by section 4 of the Ordinance 6 and 7 Victoria Regina, No. 2 of 1844, that the said sentence, which I passed upon you for certain acts committed by you, injurious to our relations with the Government and people of China, is not subject to be referred to the Supreme Court for revision, notwithstanding what I mentioned to you to the contrary in my letter of the 30th ultimo, and it being

necessary and expedient that such sentence should be carried into effect forthwith, I have to acquaint you that I have authorized Mr. Horace Oakley, second assistant to this establishment, to recover from you the amount of the above-mentioned fine, and after having received payment, to grant you receipt for the same in the usual form. In reply to your letter of the 1st inst., I have only to add, that the documentary evidence therein referred to, will be made out and forwarded to you, in so far as I am able to furnish it.

I have, &c.,
(Signed) FRANCIS C. MACGREGOR.

Inclosure 7 in No. 2.

Mr. Compton to Consul Macgregor.

Sir,

Canton, October 7, 1846.

I BEG to acknowledge the receipt of your letter of yesterday, informing me that His Excellency Her Majesty's Plenipotentiary in China has confirmed the fine of 200 Spanish dollars, payable to Her Majesty the Queen, imposed on me by your sentence dated the 24th of September, and that you have authorized Mr. Horace Oakley to carry the same into effect forthwith.

As I cannot submit to the indignity which the Ordinance empowers you to subject me to, in the event of my refusing to pay this fine, I shall pay it on obtaining from you an acknowledgment that it is received under protest, and I respectfully beg you will take notice that I shall appeal against a sentence, which I must, for various reasons, consider illegal, more particularly as it has been passed on evidence that I have not heard, or had the opportunity of disputing.

I have, &c.,
(Signed) CHAS. S. COMPTON.

Inclosure 8 in No. 2.

Mr. Compton to Consul Macgregor.

Sir,

Canton, October 7, 1846.

I HAVE paid \$200 Spanish, to the person whom you sent to receive the fine levied on me, as per your letter of 24th ultimo; but I beg to intimate that I do so under a protest against your sentence, and that I reserve to myself the right of taking such steps as may hereafter appear to be desirable.

I have, &c.,
(Signed) CHAS. S. COMPTON.

Inclosure 9 in No. 2.

Consul Macgregor to Mr. Compton.

Sir,

British Consulate, Canton, October 8, 1846.

I HAVE to acknowledge receipt of your letter of yesterday's date, stating, that you paid the fine of \$200 levied on you, under protest against the sentence, and reserve to yourself the right of taking such steps as may hereafter be deemed advisable.

I have forwarded a copy of the above to His Excellency Her Majesty's Superintendent of Trade, for his information.

I have, &c.,
(Signed) FRANCIS C. MACGREGOR.

Inclosure 10 in No. 2.

Receipt.

I, THE Undermentioned, do hereby acknowledge to have received from Mr. Charles Spencer Compton the sum of 200 Spanish dollars, in good and lawful money, being the amount of a fine imposed upon him by Her Majesty's Consul at this port, by sentence dated the 24th September of the present year.

In witness whereof, I have granted receipts in duplicate under my hand, at Canton, this seventh day of October, one thousand eight hundred and forty-six.
\$200 Spanish.

(Signed) HORACE OAKLEY,
Junior Assistant at the Canton Consulate.

Approved,

(Signed) F. C. MACGREGOR,
Her Majesty's Consul at Canton.

Inclosure 11 in No. 2.

Mr. Compton to Consul Macgregor.

Sir,

Canton, October 14, 1846.

IN a letter I had the honour to address to you on the 1st instant, I requested you would have the goodness to furnish me with a copy of the evidence upon which you had found me guilty of the offence for which you passed sentence on me on the 24th ultimo; and in your reply to that letter, dated 6th instant, you said you would do so. As seven days have elapsed since your sentence was put into execution, and I have not yet heard or seen the evidence on which I am condemned, I beg to be informed whether, in accordance with Sec. 5, Ordinance 6 and 7 Vict., No. 2 of 1844, you have transmitted to the Supreme Court at Hong-Kong that evidence, together with your reasons for the sentence you have passed on me.

I have, &c.,
(Signed) CHAS. S. COMPTON.

Inclosure 12 in No. 2.

Consul Macgregor to Mr. Compton.

Sir,

Canton, October 15, 1846.

I REGRET that an unusual accumulation of public business has been the cause of retarding the transmission of the papers adverted to in your letter of the 14th instant. On inclosing them to you now, it seems necessary to explain that these are the only documents relating to your case which I am enabled to send, all others being mixed up with the official correspondence, of which I am not at liberty to dispose, without previous permission from Her Majesty's Plenipotentiary and Superintendent of Trade in China, to whom I shall also look for instructions as to the necessity of reporting the fine recently levied upon you, under his authority and sanction, to the Supreme Court of Judicature at Hong-Kong.

I have, &c.,
(Signed) FRANCIS C. MACGREGOR.

Inclosure 13 in No. 2.

Deposition of Charles Spencer Compton, Esq., before Her Majesty's Consul at Canton, relative to the Riot of the 8th July, 1846.

CHARLES SPENCER COMPTON, a native of London, and a merchant, residing at intervals in Canton for twenty-four years, having been cited to depose as to certain charges preferred against him by the Chinese authorities,

handed in a written declaration, addressed to Her Majesty's Consul, of the circumstances as they occurred on the evenings of the 4th and 8th instant, of which the following is a transcript.

In reply to the charges preferred against me in your letter of the 25th instant, I beg to say:—On or about the 4th instant, when passing through the street referred to, it was as usual crowded with stalls and every nuisance, which has been complained of officially and privately for so long a time by the foreign residents, being in direct infraction of the regulations made by the Chinese authorities for the prevention of the disturbances, and published on the 12th July, 1844. I desired one man to move out of the way; he did not do so, and I kicked his stall down; a piece of granite then struck me on the head, I picked it up, and went to the guard-house, where several of their people were sitting at the door observing what was going on, but not stirring to interfere. I showed one (who was possibly the military officer) the stone, and by signs told him to remove the stalls and people who were obstructing the path; he merely laughed, and I took him by the arm and led him down amidst the crowd, again repeating by signs that they should be dispersed; he said something to them, unintelligible to me, and I then went into the guard-house and desired the name of the officer whose duty it was, according to the regulations referred to above, to keep that thoroughfare clear, that I might make a complaint against him; at that moment you passed, Sir, and I related the circumstances to you. I deny having beaten the military officer, or that any one came out to speak to me, until I went to the guard-house as above stated.

On the evening of the 8th instant, when passing through the same street, which was more than usually obstructed, I did not observe any foreigners wrangling with a Chinese, nor did I strike any one until I was first struck by a man whom I had pushed aside that I might pass; he then picked up a large stone and threw it at my head, which I avoided; I seized him and took him into the Chung-wo-Hong, where I tied him up, and then immediately went into an office close by and addressed a letter to you, stating the facts; on my return to the place where I had left him, he had escaped; I deny having struck him after he was in the Hong.

That these circumstances led to the riot is very probable, but the consequences of it are chargeable to the apathy of the Chinese authorities, who do not enforce their police regulations to prevent disturbances, and to their tardiness in not coming to the spot to suppress a tumult, until foreigners are compelled to resort to extreme measures in defence of their lives and property. Being asked if he is aware of the crowd outside Mingqua's Hong having been cognizant of the escape of the man, whom he had attempted to secure for the purpose of handing over to the authorities, he replied, "that they could not but have been perfectly cognizant of it, inasmuch as the man escaped by the same gate at which he was carried in, and was observed for some minutes after among the crowd gesticulating to them." Deponent desires to state, further, that Mr. Dudgeon, who witnessed the whole affair from the windows of the billiard-room at which he was standing, and who could consequently depose more fully respecting the origin of the affray than the witnesses who now accompany him, being absent at Hong-Kong, he wishes his declaration to be taken on his return.

(Signed) CHAS. S. COMPTON.

Deposed before me at the British Consulate, this 27th day of July, 1846.

(Signed) R. B. JACKSON,
Her Majesty's Vice-Consul.

Inclosure 14 in No. 2.

Deposition of Richard James Gilman.

RICHARD JAMES GILMAN, a native of London, a merchant, and resident in Canton upwards of ten years, declares, on the evening of the 8th instant, being in the billiard-room in Mingqua's Hong, the windows of which overlook the space at the top of Old China Street, he heard a disturbance there, and on looking out perceived Mr. Compton among a crowd of Chinamen, one of whom, at a distance of a few yards, was in the act of hurling a large stone at him, whereupon he and Mr. Ellice ran down to Mr. Compton's assistance, and

helped to convey the man (who in the meantime had been secured by Mr. Compton) into Mingqua's Hong, where they tied and endeavoured to keep him until he could be handed over to the proper authorities. That he then came immediately to the Consulate, and reported the affair to Her Majesty's Consul in person, and returning then to Mingqua's Hong, found the man had escaped, and that the disturbance had considerably increased. Deponent further states that he did not see, nor does he believe that any other foreigner was on the ground mentioned when Mr. Compton appeared there.

(Signed) R. J. GILMAN.

Deposed before me at the British Consulate, this 27th day of July, 1846.

(Signed) R. B. JACKSON,
Her Majesty's Vice-Consul.

Inclosure 15 in No. 2.

Deposition of Robert Ellice.

ROBERT ELLICE, a native of London, at present a resident in Canton, and belonging to the mercantile establishment of Ripley, Smith, and Co., confirms the above declaration of Mr. Gilman in all particulars, he being likewise present on the evening of the 8th instant, as stated, in the billiard-room at Mingqua's Hong, and going with Mr. Gilman to Mr. Compton's assistance, helping likewise to tie and secure the man in the Hong, for the purpose, as already stated, of handing him over to the authorities. That Mr. Compton and Mr. Gilman having separated from him, he, Deponent, was left in charge of the detained individual, who escaping to the outside of the Hong, but within the street gates, there called out to the mob. Deponent there again secured him, but the mob made efforts to liberate him, and had succeeded in forcing open the gates, when he was obliged to let him go. Deponent then saw him among the crowd gesticulating in a violent manner, and from that time the disturbance became greater, and the rioters proceeded, after deliberation, to force out the windows from the wing of the building occupied by Messrs. Lands, Turner, Church, and Co. He likewise declares that he did not see any foreigner on the ground than Mr. Compton, at the time he went to his assistance, and having just before been at the window of billiard-room, he thinks he must have noticed had there been any dispute or wrangling, as stated, at a fruiterer's stall.

(Signed) ROBERT ELLICE.

Deposed before me at the British Consulate, this 27th day of July, 1846.

(Signed) R. B. JACKSON,
Her Majesty's Vice-Consul.

Inclosure 16 in No. 2.

Deposition of Patrick Dudgeon.

PATRICK DUDGEON, a native of Scotland, a partner in the mercantile firm of Turner and Co., and many years resident in this place, deposeth and saith, with reference to the disturbance that took place on the evening of the 8th instant, that he happened to be looking out of a window of the billiard-room in Mingqua's Hong, when Mr. Compton was on his way there. That both sides of the space underneath, namely, at the top of Old China Street, being impeded by crowds of idlers, he saw Mr. Compton push aside a man with his left hand in what he considered to be a quiet and inoffensive manner, in order that he might pass, whereupon the man immediately doubled his fist and struck Mr. Compton a violent blow on the back, which the latter instantly returned. The man then retreated a few paces, and together with others picked up stones, with which they assailed Mr. Compton. Deponent then, in order to rescue him from the danger with which he was menaced, descended with others to the street, when they saw Mr. Compton had secured the man who first struck him, and he, Deponent, assisted the others in conveying him into Mingqua's Hong. Deponent further states that he is positive there was no other foreigner at the spot where

this occurrence took place, than Mr. Compton, and that there was no disputing or wrangling there, as alleged by the Chinese authorities.

(Signed) PAT. DUDGEON.

Deposed before me at the British Consulate, this 30th day of July, 1846.

(Signed) R. B. JACKSON,
Her Majesty's Vice-Consul.

Inclosure 17 in No. 2.

Mr. Compton to Sir John Davis.

Sir,

Canton, October 17, 1846.

I HAVE the honour of bringing before your Excellency the following circumstances :—

I have been fined by Francis C. Macgregor, Esquire, Her Majesty's Consul at this port, by his sentence of 24th September, stated by him to be under authority of Ordinance No. 2 of 1844, which sentence, he informs me, has been confirmed by your Excellency.

By letter, dated 15th October, Her Majesty's Consul has stated to me that copies of the evidence on which his judgment was passed, together with his reasons for so adjudicating, had not been forwarded to the Supreme Court of Hong-Kong, as enjoined by the ordinance under which it has been stated that I am sentenced. Further, I find that under Ordinance No. 7 of 1844, dated 20th November, and especially enacted in conformity with an order issued by Her Majesty the Queen in Council, on the 17th April, 1844, which by section 12 of the same supersedes all previous ordinances, in so far as they are inconsistent with it, the said ordinance provides, among other regulations, "that witnesses shall be examined upon oath," in the presence of the accused, who shall have all reasonable facilities for cross-examining the same. That the evidence, reduced to writing, shall be read over to the accused, "together with any other evidence that may have been urged against him during the trial." That the accused be advised of the legal effects of any voluntary confession.

These forms of law, essential to justice, have not been complied with; the sentence is unjust, and has been inflicted and enforced contrary to the law, and only submitted to by me under protest.

I have therefore respectfully to request that you will order Her Majesty's Consul to annul this judgment and refund the fine.

I have, &c.,
(Signed) CHAS. S. COMPTON.

Inclosure 18 in No. 2.

Consul Macgregor to Mr. Compton.

Sir,

British Consulate, Canton, October 20, 1846.

I HAVE received a despatch from his Excellency Her Majesty's Plenipotentiary, to the following effect :—

"I observe, from your communication to Mr. C. S. Compton relative to his fine for originating the serious riot of the 8th July (which you transmitted to me only on the 16th October), that you quote Ordinance No. 2 of 1844, for Her Majesty's subjects within the dominions of the Emperor of China, whereas the enactment under which I directed you to fine Mr. Compton, is Ordinance No. 5 of 1844, entitled 'An Ordinance to carry into effect the Treaties between Great Britain and China,' &c., which I now communicate for your information and guidance."

I have, &c.,
(Signed) FRANCIS C. MACGREGOR.

Inclosure 19 in No. 2.

Mr. Compton to Consul Macgregor.

Sir,

Canton, October 20, 1846.

I HAVE the honour to acknowledge the receipt of your communication of this day, handing me an extract from a despatch you have received from his Excellency Her Majesty's Plenipotentiary, from which I presume the sentence passed on me in your letter of the 24th September, 1846, under Ordinance No. 2 of 1844, and confirmed by his Excellency, per your letter of 6th October, is annulled. I shall therefore send one of my assistants to-morrow morning to your office, to receive back the sum of \$200 (two hundred dollars), levied on me by you in error; and he will return the receipt granted by you for the same.

I have, &c.,
(Signed) CHAS. S. COMPTON.

Inclosure 20 in No. 2.

Mr. Compton to Consul Macgregor.

Sir,

Canton, October 21, 1846.

REFERRING you to a letter I had the honour to address to you yesterday, I now request you will pay to the bearer the sum of \$200, and he will return you the receipt, in original and duplicate, which you granted to me when I paid that sum to you on the 7th instant.

I have, &c.,
(Signed) CHARLES S. COMPTON.

Inclosure 21 in No. 2.

Consul Macgregor to Mr. Compton.

Sir,

British Consulate, Canton, October 23, 1846.

IN reply to your letters of the 20th and 21st instant, and with reference to the enclosed copy of a despatch addressed to me by His Excellency Her Majesty's Plenipotentiary and Superintendent of Trade, under date of the 18th instant, I beg to state that I must decline refunding to you the fine of \$200 which I levied upon you some time ago for certain acts committed by you injurious to our friendly relations with the Chinese Government and people, in doing which the said despatch is my sufficient warrant.

I have, &c.,
(Signed) FRANCIS C. MACGREGOR.

Inclosure 22 in No. 2.

Sir John Davis to Consul Macgregor.

Sir,

Victoria, Hong-Kong, October 13, 1846.

I OBSERVE from your communication to Mr. C. S. Compton relative to his fine for originating the serious riot of the 8th July (which you transmitted to me only on the 16th instant), that you quote Ordinance No. 2 of 1844 for Her Majesty's subjects within the dominions of the Emperor of China; whereas the enactment under which I direct you to fine Mr. Compton is Ordinance No. 5 of 1844, entitled "An Ordinance to carry into effect the Treaties between Great Britain and China," &c.

You will communicate this to Mr. Compton, and you will, in case you deem it necessary, produce this as your sufficient warrant.

I have, &c.,
(Signed) J. F. DAVIS.

Sir John Davis to Consul Macgregor.

Sir,

Victoria, Hong-Kong, October 23, 1846.

IN reply to a letter forwarded by you from Mr. C. S. Compton, you will have the goodness to inform that gentleman (as you have been already directed) that the ordinance under which I authorized you to fine him, is not Ordinance No. 2, but Ordinance No. 5 of 1844, to carry into effect, upon Chinese territory, the treaties between Great Britain and China, and for the preservation of peace and amity between the two nations. By Article XIII. in the schedule annexed to that ordinance, Mr. Compton was bound to proceed to the Consulate, and state any cause of complaint against a Chinese. Instead of doing this, his violence excited the frightful tumult and bloodshed in which three Chinese were killed, and by which the peaceful relations between the two countries are still endangered.

Under these extraordinary circumstances, I have considered myself bound to exert those high powers with which it has been deemed necessary to invest me for the government of Her Majesty's subjects within the Chinese dominions, with a view to the most important object of securing international tranquillity; and the British Government and Legislature will be prepared to support me on an occasion of such a peculiar kind. As before directed, you will plead my order as your sufficient warrant for the fine of \$200, under Ordinance No. 5 of 1844, "for British Subjects within the Dominions of the Emperor of China," as passed by my predecessor Sir Henry Pottinger.

While the safety of not only the British, but the whole foreign community, is still endangered as the consequence of his conduct, Mr. Compton cannot reasonably expect that a fine deliberately levied, after the fullest inquiry, on a complaint repeatedly urged against him by the Chinese Government, for a violation of treaties on their own territory, should be remitted. This would be only to aggravate the serious evils for which Mr. Compton must be considered as deeply responsible; and it would at the same time prove me utterly unfit for the discharge of those international functions with which it has pleased Her Majesty to honour me, in the very unusual circumstances under which we exercise a foreign jurisdiction within an independent sovereignty. You will observe in my circular to Her Majesty's Consuls of November 22nd, 1844, (since approved by Her Majesty's Government), that "the Emperor of China having, like the Sultans of Turkey, waived, in favour of Christian powers, rights inherent in territorial sovereignty, such Christian powers, in taking advantage of this concession, are bound to provide, as far as possible, against any injurious effects resulting from it to the territorial sovereign."

If the recovery of \$46,000 private compensation, from the Chinese Government, at another port, proves that I have protected the rights of British subjects, it is only just that I should be equally firm in enforcing their obligations. On no other terms can we maintain a beneficial intercourse with China, and on no other terms can I undertake to administer my trust.

I have, &c.,
(Signed) J. F. DAVIS.

Inclosure 24 in No. 2.

Consul Macgregor to Mr. Compton.

Sir,

British Consulate, Canton, October 27, 1846.

I HAVE the honour of enclosing copy of a despatch received from Sir John F. Davis, Bart., in reply to your letter, under date of the 17th instant, to His Excellency.

I have, &c.,
(Signed) FRANCIS C. MACGREGOR.

Inclosure 25 in No. 2.

Mr. Compton to Consul Macgregor.

Sir,

Canton, October 28, 1846.

I HAVE the honour to enclose a letter addressed to the Right Honourable Lord Palmerston, Her Majesty's Principal Secretary of State for Foreign Affairs, London, which I request you will have the goodness to send forward through the proper channel, that it may be transmitted to England by the mail which leaves Hong-Kong on the 30th instant.

I have, &c.,
(Signed) CHAS. S. COMPTON.

Inclosure 26 in No. 2.

Resolutions passed at a General Meeting of British Subjects.

1st. PROPOSED by Mr. Edger, and seconded by Mr. H. H. Smith.—That this meeting having had submitted to it the whole of the documents connected with the recent proceedings against Mr. Compton, and having attentively considered the same, is of opinion that Mr. Compton has been irregularly and unfairly tried—without sufficient evidence, unjustly sentenced, and illegally punished, under an inapplicable ordinance.

2nd. Proposed by Mr. Church, and seconded by Mr. Dunlop.—That the attempt to sustain the illegal conviction under authority of another Ordinance, No. 5, is arbitrary and oppressive, inasmuch as Ordinance No. 5 only gives the Superintendent power to punish offences against the Treaty not punishable by the laws of England; and the offence charged against Mr. Compton being a simple misdemeanor, punishable by the law of England, does not come within the scope and meaning of that ordinance.

3rd. Proposed by Mr. J. Mackrill Smith, and seconded by Mr. Worthington.—That it is the opinion of this meeting, that the offence charged against Mr. Compton is not and cannot be held an infraction of the Treaty, nor of Article XIII. of the Regulations of Trade, as declared to be by His Excellency Sir John Davis, inasmuch as the clause cited by his Excellency refers to commercial differences or disputes only. The marginal abstract confirms the interpretation of the clause; and the distinction between commercial disputes and personal wrongs is clearly drawn in the concluding sentences of the article, which declare that *criminals* shall be punished according to laws hereafter to be enacted.

4th. Proposed by Mr. Ponder, and seconded by Mr. Ryder.—That the laws of England, established under Ordinance No. 1, and the laws as enacted under Ordinance No. 7, are amply sufficient to punish such an offence as that charged against Mr. Compton; and that as Ordinance No. 7 provides for grave offences a fine equal in amount to that inflicted by his Excellency, there is neither reason, necessity, nor excuse for his Excellency having put aside the law, and set above it his arbitrary will.

5th. Proposed by Mr. Birley, and seconded by Mr. Ripley.—That the injustice of the proceedings is aggravated, because, by the course pursued, the accused has been deprived of appeal against a fine levied under the Plenipotentiary's warrant; while he would have had an appeal to the Supreme Court of Hong-Kong, had the proper forms of law been observed.

6th. Proposed by Mr. Jardine, and seconded by Mr. Lyall.—That this meeting does not desire to deny that a punishable offence was committed by Mr. Compton, on the 4th July, in taking the law into his own hands, although certainly under circumstances of provocation; but it is the opinion of this meeting that proceedings should have been immediately taken thereupon, in which case the most trifling fine which could have been inflicted would have amply met the justice of the case. And this meeting is further of opinion, that if the offence committed by Mr. Compton was of the grave character since attributed to it, Her Majesty's Consul should have immediately called upon him to answer for conduct of which the Consul's presence on the spot made him fully cognizant.

7th. Proposed by Mr. Seare, and seconded by Mr. Ellice.—That the meeting solemnly protests against all the proceedings of the British authorities in this matter, holding the persons, fortunes, and character of Her Majesty's subjects in China unsafe under the premises.

8th. Proposed by Mr. Silverlock, seconded by Mr. Skinner.—That petitions to Her Majesty in Council, and to the Houses of Parliament, be drawn up, embodying the foregoing resolutions.

9th. Proposed by Mr. Blendin, and seconded by Mr. Gilman.—That this meeting offers to Mr. Compton the expression of their sympathy under the cruel and unjust proceedings of the authorities against him, aggravated as his injuries are by the publication of Sir John Davis's despatch of the 22nd October, on the eve of the departure of the overland mail, whereby Mr. Compton was deprived of the power of exposing, by the same opportunity, the fallacies and misrepresentations in the said document.

10th. Proposed by Mr. Gilman, and seconded by Mr. J. M. Smith.—That the foregoing resolutions, and the correspondence to which they refer, be published in the Hong-Kong newspapers.

Present: forty-three persons—representing twenty-eight British firms.

(Signed) A. CAMPBELL, *Chairman*.

Inclosure 27 in No. 2.

Mr. Compton to Sir John Davis.

Sir,

Canton, November 5, 1846.

I HAVE the honour to acknowledge receipt of a communication made to me by Her Majesty's Consul, under your Excellency's instructions to him, dated the 22nd ultimo, in reply to which I considered the proper course was to address myself to that gentleman, in a letter dated 2nd November, which he has returned to me, intimating that the proper mode of proceeding is to address your Excellency direct, and therefore I now have the honour to do so. I find that your Excellency insists on directing Her Majesty's Consul to retain the fine levied on me confessedly in error, and not according to your Excellency's instructions. It is difficult for me to surmise at what period your Excellency's instructions to fine me, under Ordinance No. 5, for an infraction of the Treaty, reached Her Majesty's Consul, since his sentence under Ordinance No. 2, was passed on the 24th September, and on the 6th of October he informed me he had then received your Excellency's confirmation of that sentence, which, however, your Excellency states was not transmitted by him until the 16th of the same month; however, after the sentence had been executed, it seems to have been discovered that the Ordinance No. 2 of 1844 did not justify it, certain important forms not having been complied with, and the forms enjoined by No. 7 also not having been observed; and it being necessary to vindicate the act by some ordinance, your Excellency instructed Her Majesty's Consul to declare the sentence to have been intended to be under Ordinance No. 5. To apply that ordinance to my case, your Excellency accuses me of having infringed Article XIII. of schedule accompanying it, according to which you state it was my duty, having a cause of complaint, to represent the same to Her Majesty's Consul, and assume that I did not pursue that course, by which it appears you are very imperfectly acquainted with the facts of the case, communicated to Mr. Macgregor in my letter of the 27th July, which has been so improperly used as evidence against me, for to him, who passed by at the time of the occurrence, I did complain of an annoyance which I and my brother-merchants had frequently before brought to his notice. I maintain, however, that the clause of the regulations cited is inapplicable to my case; the words are, "whenever a British subject has reason to complain of Chinese, he must first proceed to the Consulate and state his grievance," the meaning being clearly in commercial disputes or differences only, and that this is the correct interpretation of the words, is established by the marginal abstract: "Disputes to be settled, if possible, amicably by arbitration." The article goes on to point out the manner in which representations to the Chinese Government are to be

made by merchants; and finally, the distinction between commercial disputes and personal wrongs is clearly drawn in the concluding sentence, which declares, "regarding the punishment of English criminals, the English Government will enact the laws necessary to attain that end, and the Consul will be empowered to put them in force."

Those laws have been enacted, and Ordinance No. 7 of 1844 is no doubt the law under which I ought to have been tried, and which repeals all former enactments inconsistent with it. Further, the power granted to your Excellency under the ordinance of Sir Henry Pottinger, No. 5, empowers the Superintendent to punish only offences against the Treaty which are not punishable by the law of England: the offence charged against me cannot be so classed. I deny respectfully, but strongly, that there was a full and fair inquiry into my case; it was either decided without evidence, or upon evidence which Her Majesty's Consul gave me no opportunity of disproving, and of which he has declined to furnish me with a copy.

From the manner in which the trifling offence which alone can be proved against me, has been dragged into connexion with the alarming riot of the 8th July, it would be supposed, by any one unacquainted with the facts, that these events immediately followed my act, and not that the riot did not take place until four days afterwards, during which time I had repeatedly passed the same place unmolested; yet it is gravely stated that the upsetting of a fruit-stall on the 4th July, was an infraction of the Treaty between Great Britain and China, and in four days' time brought forth riot and bloodshed. I now, Sir, take leave of this discussion, solemnly protesting against the infringement of the liberty of the subject in my person. The law gave Her Majesty's Consul full power to treat my case, but left me an appeal against injustice, and the opportunity of clearing my character of the stigma cast upon it by the infliction of the highest pecuniary penalty the law would warrant. Your Excellency has set the law aside, and to justify the illegal sentence passed on me, has aggravated my offence, by imputing to me, without evidence, and on a false assumption, charges of a nature repugnant to my feelings. In thus assailing my private character in a public despatch, published on the day before the departure of the mail for England, I was precluded from publishing my defence by the same opportunity. Your Excellency has thus added injury to injustice, and the conventional forms of office for the regulation of correspondence with public officers, alone prevent me from giving utterance to my outraged feelings on the subject.

I have, &c.,
(Signed) CHAS. S. COMPTON.

Inclosure 28 in No. 2.

Letter to Mr. Compton from the Representatives of 27 British Firms.

Sir,

Canton, November 16, 1846.

OBSERVING, from the letter of His Excellency Sir John Davis to Keying, dated the 10th instant, and published by authority in the "China Mail" of the 12th idem, that the charge brought against you of having occasioned the riot of the 8th July is still persisted in; and the manifest injustice of dragging the occurrences of that day into connexion with the trifling offence committed by you four days previously, not having been sufficiently dwelt upon in the resolutions adopted at the public meeting of the 3rd instant, we deem it necessary to record our opinion on this point with all the solemnity and force of a formal public resolution.

We therefore declare, as our deliberate and firm opinion:—

1. That there is no evidence whatever to show that the riot of the 8th was in any way occasioned, affected, or influenced by what took place on the 4th July.

2. That the unimpeachable evidence of the gentlemen who witnessed the commencement of the riot, contradicting in every important particular the mis-statements of the Chinese officers, acquits you of all blame in that matter, and

discharges you entirely of the responsibility which, in justification of unwarrantable proceedings, it is attempted to fasten upon you.

We request you to publish this letter.

We remain, &c.

(Signed by sixty persons, representing 27 British firms.)

Inclosure 29 in No. 2.

Petition.

The Humble Petition of the undersigned British Subjects resident in China, engaged in mercantile pursuits.

Sheweth,—

THAT a case seriously affecting the rights and privileges which your Petitioners ought to enjoy, under the laws now in force for their government in China, has recently occurred, in which a British subject has been charged with offences, convicted and fined by her Majesty's Consul at Canton, under the directions of His Excellency the Governor of Hong-Kong, without proper form of trial, and on insufficient evidence, as is clearly set forth in the documents hereunto annexed, Nos. 1 to 28. That your Petitioners have carefully examined the said documents, and have fully inquired into all the circumstances, and the facts they find to be as follow:—Charles Spencer Compton, managing partner of the firm of C. S. Compton and Co., on the 4th of July last, in passing from one factory to another, found the way much obstructed by hucksters, quacks, barbers, and other persons plying their avocations there, contrary to the Chinese regulations; irritated at an annoyance which had been frequently complained of, and having in vain desired the keeper of a fruit-stall to move out of the way, Mr. Compton upset the stall, and to Her Majesty's Consul, passing by at the time, reported the matter. No riot took place then, and so little importance did Her Majesty's Consul attach to the affair, that no notice whatever was taken of it by him, nor is it believed was any complaint made by the Chinese authorities. On the 5th, 6th, and 7th, Mr. Compton repeatedly passed by the same place without molestation, nor was there any reason for thinking that an unusually hostile feeling existed among the Chinese, nor did your Petitioners, for the most part, ever hear of the occurrence related. On the 8th of July, Mr. Compton was passing the same spot, and in treading his way through the crowd "pushed aside a man with his left hand, in a quiet and inoffensive manner, to enable him to pass, whereupon the man immediately doubled his fist and struck Mr. Compton a violent blow on the back." Mr. Compton closed with his antagonist, stones were thrown, the offender was seized, dragged into the nearest Hong by Mr. Compton and others, who seeing the occurrence, had gone to his assistance. He was there secured, while Mr. Compton wrote a report of the circumstance to Her Majesty's Consul, and one of the witnesses reported it in person. That your Petitioners by no means intend to justify the act committed by Mr. Compton on the 4th, and if it had been made a matter of complaint to the Consul, it would no doubt have been his duty to inflict a punishment commensurate with the offence; and they decidedly consider that the manner in which the two occurrences are mixed up by Her Majesty's Consul and the Superintendent of Trade throughout these proceedings, apparently with a determination to convert a trifling misdemeanor into a political crime of magnitude, is most unfair and unjust, and that there is no evidence whatever to show that the riot of the 8th was in any way occasioned, affected, or influenced by what took place on the 4th of July. Your Petitioners submit that Ordinance No. 7 of 1844, which repeals all former enactments inconsistent with its provisions, fully empowers the British authorities in China to hear and determine all such offences as Mr. Compton has been charged with, and that he ought to have been tried under that Ordinance, and no other. Instead of adopting the course therein so clearly pointed out, Her Majesty's Consul, under the orders of his Excellency, in the first instance fines Mr. Compton under Ordinance No. 2, without affording him an opportunity of confronting a single adverse witness, and even refusing to furnish him with a copy of the evidence upon which he had been convicted. Some days afterwards the Hong-Kong authorities having discovered apparently that No. 2 had been superseded

by a subsequent ordinance, and knowing that the forms enjoined by No. 7 had not been complied with, directed the Consul to inform Mr. Compton that he must consider himself fined under Ordinance No. 5, Sec. 4, which section your Petitioners regard as equally inapplicable, since it only empowers Her Majesty's Superintendent of Trade and Consuls to punish offences "not punishable by the law of England," whereas Mr. Compton has at most been guilty of a misdemeanor and of no infringement of the treaties between Great Britain and China. Your Petitioners further submit that the 13th Article of the schedule annexed to Ordinance No. 5 of 1844, referred to in his Excellency's despatch, dated Hong-Kong, 22nd October, has no bearing whatever upon the present case, it having reference only to commercial disputes. In this interpretation they are fully borne out by the whole tenour of the article, by the marginal abstract, which states that "such disputes are to be settled amicably, if possible, by arbitration," and by the concluding sentence, which says most clearly, that the laws for the punishment of English criminals had at that time still to be enacted. That your Petitioners view these proceedings of the Superintendent of Trade as the more unjust and dangerous, because by the manner of them the accused has been deprived of appeal to the Supreme Court of Hong-Kong, which would have been open to him had the matter been tried in the Consular Court and under the ordinance provided, instead of being disposed of under the warrant of the Superintendent of Trade. Your Petitioners will refrain from expressing the sense they entertain of the very extraordinary course the British authorities have thought proper to pursue in this instance; but they feel bound, in duty to themselves and all Her Majesty's subjects in China, thus respectfully to bring the whole case to the knowledge of your Honourable House, confident that redress must speedily follow.

Wherefore your Petitioners humbly pray that your Right Honourable House will be pleased to take the premises into consideration, and cause such measures to be adopted as will procure a reversal of the sentence, prevent a recurrence of similar illegal, arbitrary and oppressive acts, and secure to all Her Majesty's subjects within the dominions of the Emperor of China the full enjoyment of all the rights and privileges to which they are entitled by law.

And your Petitioners, as in duty bound, will ever pray, &c.

Inclosure 30 in No. 2.

Decision of the Chief Justice in the Supreme Court.

REGINA v. COMPTON.

Tuesday, November 24, 1846.

THE Chief Justice in giving his decision remarked that the case was at first small, but had become important from what has occurred connected with it. There has been a total disregard not only of the forms of justice, but of justice itself. Had Mr. Macgregor been in any doubt as to the form of proceeding, he ought to have referred to Ordinance No. 7, where it is distinctly pointed out. By it all proceedings in the Consular Courts shall be in conformity and correspondence with the proceedings which in like cases would be had according to the law and practice of England. The Consul has power to summon and examine witnesses on oath; their depositions must be written down; the person accused must hear the evidence, and have an opportunity of exculpating himself. But this ordinance seems to have been totally disregarded, and the whole case appears to have been determined by assertions on the one side and assumptions on the other. I am obliged to go to the sentence to discover what was the charge. (*Reads the sentence.*) That sentence is unjust, excessive, and illegal. This will appear on a review of the proceedings. Though the Ordinance No. 2 provides that in all cases adjudicated on, the evidence recorded shall be forthwith transmitted to the Supreme Court of Judicature at Hong-Kong, this is the first case which has been sent, and it would not have been sent without application. This case therefore becomes of great consequence, not merely from its own merits, but to define the procedure in Consular Courts, which ought to be regulated by Ordinance No. 7. This in a great measure supersedes No. 2. The Judge then read the Plenipotentiary's letter of 18th October, (No. 24.)

This shows that Mr. Compton received sentence under one ordinance and was fined under another, which is contrary to all the principles of English justice.

I should not suppose from the title of Ordinance No. 5, that this case came under it. But this is set at rest by section 4, which gives power to punish in a summary way any infringement of the treaties not punishable by the law of England; now Mr. Compton's case was one which the law of England and also the law of this Colony takes cognizance of. No. 5 refers merely to commercial regulations.

I have now noticed the law, and shall next advert to the facts. The charge founded on what took place on the 4th is really abandoned by the Chinese. In the correspondence there is a want of candour on the part of the Consul. He refers the case to the Plenipotentiary. The latter says he imposed the fine himself, no confirmation was therefore necessary. By this sentence Mr. Compton is fined for one crime in particular, and for others in general.

The Judge then read and remarked on the communication from Keying to the Consul.

He charges Mr. Compton with making a riot; but any riot that occurred must have been on the side of the Chinese, as three persons are required to constitute a riot. Keying charges the English with following the Chinese and shooting them, not in front of factories, which shows they were not acting in self-defence; now there is a wide distinction to be made between a person acting in defence of his person, in which case he ought to withdraw, and one defending his property, who has a right to pursue the assailants until they are driven away. Throughout the transaction nothing appears more natural or more proper than the course followed by the English. Keying says the relatives of the deceased flock to the district magistrates, asking life for life, and the local authorities have nothing to say in answer to them. A very ready answer might be made to them; that their relations brought death on themselves by their violence. He says that the English having followed those who retreated, and attacked them with fire-arms, there must doubtless be in such conduct the intention to kill; and when you say "the guns were fired at random in the dark streets, you do not avoid chicanery in explaining the matter away," now such an intention was perfectly justifiable under the circumstances.

The next communication is not more than a statement of the evidence taken by the Chinese, in confirmation of the views they had previously taken of the case.

The next is of more interest, and shows that at this time Mr. Macgregor had taken a very proper view of the case, and had blamed the Chinese for not noticing the reprehensible conduct of the officer charged with keeping the passage clear. Keying says, "a too great readiness to seek for redress on every petty occasion ought not to be evinced. The affair of the 4th July having been already explained away," &c. This shows that what took place on the 4th had been completely left out of sight before the sentence was passed.

The reasons for the sentence addressed to the Court by the Consul were then read.

It appears this sentence was founded as much on the evidence of Mr. Ellice, &c., which not being taken on oath could not be used. The connexion between the proceedings of the 4th and 8th is assumed without the slightest evidence. It would have been a most extraordinary circumstance if Mr. Compton, or any other Englishman, on being struck had not returned the blow. I should have been astonished if he had not.

I repeat again that the whole case is founded on assertion on the one side, and assumption on the other, without any evidence.

Mr. Macgregor says the quoting of Ordinance No. 2 instead of No. 5 was my own error; but there is no reason why Mr. Compton should suffer for Mr. Macgregor's error.

It is evident, in my opinion, that Mr. Compton was sentenced, apparently for what took place on the 4th, but really for what occurred on the 8th.

Had there only been some small mistake as to matters of form, I should have considered it proper merely to modify the fine to a small sum, but the whole proceedings have been so exceedingly irregular, as to render it necessary to reverse the judgment altogether; and that is the sentence of the Court, that the sentence of Mr. Macgregor, imposing a fine of \$200 upon Mr. Compton, be reversed.

Letter addressed to Mr. Compton.

Sir,

Canton, November 16, 1846.

OBSERVING, from the letter of his Excellency Sir John Davis to Keying, dated the 10th instant, and published, by authority, in the "China Mail" of the 12th idem, that the charge brought against you, of having occasioned the riot of the 8th July, is still persisted in, and the manifest injustice of dragging the occurrences of that day into connexion with the trifling offence committed by you four days previously, not having been sufficiently dwelt upon in the resolutions adopted at the public meeting of the 3rd instant, we deem it necessary to record our opinion on this point, and we hereby do so with all solemnity and force of a formal public resolution. We therefore declare, as our deliberate and firm opinion:—

First—That there is no evidence whatever to show that the riot of the 8th was in any way occasioned, affected, or influenced by what took place on the 4th July.

Second—That the unimpeachable evidence of the gentlemen who witnessed the commencement of the riot, contradicting, in every important particular, the misstatements of the Chinese officers, acquits you of all blame in that matter, and discharges you entirely of the responsibility which, in justification of unwarrantable proceedings, it is attempted to fasten upon you.

We request you to publish this letter.

We remain, &c.

(Signed by sixty persons, representing twenty-seven British firms.)

No. 3.

Mr. Addington to Mr. Compton.

Sir,

Foreign Office, March 11, 1847.

I AM directed by Viscount Palmerston to acknowledge the receipt of your letters of the 28th of October and 28th of November, the last inclosing copies of correspondence and other papers relative to the proceedings taken against you by Her Majesty's Consul at Canton, in consequence of your conduct on the 4th and 8th of July, 1846.

Lord Palmerston directs me to state to you, in reply, that Her Majesty's Government entirely approve the conduct of Sir John Davis in directing Her Majesty's Consul at Canton to proceed against you for what you did on those two days; and they regret that, in consequence of the irregular manner in which those proceedings were conducted, you have escaped the penalty which you would otherwise have incurred. For Her Majesty's Government are advised by the law officers of the Crown, to whom all the papers connected with the occurrences of the 4th and 8th of July have been referred, that you were guilty of offences on those days, for which you would have been liable to punishment if you had been proceeded against in the Consular Court of Canton, under the provisions of the Ordinance No. 7 of 1844.

Her Majesty's Government, however, trusts that your having escaped from any penalty on this occasion, in consequence of a defect in the form of the proceedings against you, will not serve as encouragement, either to yourself or to others, to commit towards the people of China acts of violence or contumely which you would not venture to practise towards the humblest individual in your own country; for Her Majesty's Government, while they will exact and require from the Chinese that British subjects shall be as free from molestation and insult in China as they would be in England, are determined, on the other hand, so far as lies in their power, to exact and require from British subjects in China, that they shall abstain as much as they would do if they were in England, from offering molestation and insult to other persons; and Her Majesty's Chief Superintendent in China, and all Her Majesty's Consular Officers, will be most

strictly enjoined to enforce to the fullest extent against all offenders those powers of repression and of punishment which have been vested in them by the Legislature and by the Crown.

Her Majesty's Government would much neglect their duty if they were to permit the permanence of peace between China and England to be endangered, and the great interests involved in its continuance to be put into jeopardy, by the wanton acts of inconsiderate or reckless individuals.

I am, &c.,
(Signed) H. U. ADDINGTON.
